United Nations S/2003/1149

Security Council

Distr.: General
5 December 2003

Original: English

Report of the Secretary-General pursuant to paragraph 24 of resolution 1483 (2003) and paragraph 12 of resolution 1511 (2003)

I. Introduction

1. The present report is the second submitted pursuant to paragraph 24 of Security Council resolution 1483 (2003) and the first submitted pursuant to paragraph 12 of resolution 1511 (2003). The report:

(a) Briefly describes United Nations activities and key developments in Iraq during the period between 17 July 2003, when my last report (S/2003/715) was issued, and 19 August 2003;

(b) Sets out the events of 19 August 2003, when the United Nations headquarters in Baghdad was attacked with devastating consequences and implications, and the actions taken by the United Nations in the aftermath, including the eventual relocation of most international staff;

(c) Details the United Nations relief, recovery and reconstruction planning activities that have nonetheless been sustained throughout the reporting period, primarily by national staff;

(d) Summarizes key political developments in Iraq post-19 August;

(e) Outlines a plan of action with regard to security, the deployment of the United Nations Assistance Mission for Iraq (UNAMI) and the conduct of United Nations relief, recovery and reconstruction activities in Iraq.

The underlying principles that I believe should guide future United Nations engagement in Iraq are addressed in section VII.

II. Summary of United Nations activities and key developments in Iraq between 17 July and 19 August 2003

2. My Special Representative for Iraq, the late Sergio Vieira de Mello, came to New York in late July 2003 to brief the Security Council and to introduce my report (S/2003/715), which laid out a proposed concept of operations for UNAMI. In his briefing he reiterated what he had consistently proclaimed in Iraq, namely, that it was imperative for Iraqis to regain as quickly as possible full control over shaping

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the future of their country. Mr. Vieira de Mello stressed that democracy could not be imposed from the outside; it had to evolve from within. He emphasized the importance of articulating a clear timetable for the full restoration of Iraqi sovereignty; he appealed for the empowerment, to the maximum extent possible, of the Iraqi Governing Council and related Iraqi institutions, to ensure Iraqi ownership of key decisions taken in the lead-up to the formation of a fully representative and sovereign Iraqi Government (see S/PV.4791).

3. My Special Representative signalled his intention to intensify dialogue with States in the region, in line with my strong belief that Iraq's neighbours have legitimate interests in and concerns about the nature of developments in that country. To that end, he conducted a number of regional tours just prior to and immediately following his briefing to the Security Council on 22 July, with high-level meetings in Saudi Arabia, the Syrian Arab Republic, the Islamic Republic of Iran, Kuwait, Turkey, Egypt and Jordan, as well as with the League of Arab States.

4. Mr. Vieira de Mello also indicated that he intended to consult with a large and diverse spectrum of Iraqi society, including the Iraqi Governing Council, as well as the Coalition Provisional Authority, to determine when and how UNAMI could be of assistance to the people of Iraq, not only in the areas in which the United Nations was already engaged — such as humanitarian assistance, return of refugees and internally displaced persons, emergency rehabilitation, political facilitation, human rights and support for civil society — but also in a host of additional areas. As noted in paragraph 99 of my report of 17 July 2003, these included constitutional and electoral processes; judicial and legal reform; police training and restructuring and reform of correctional systems; demobilization and reintegration of former soldiers; public administration and civil service reform; the institution of long-term strategies for economic reconstruction, sustainable development and good governance; and technical assistance to Iraqi Government ministries.

5. On 30 July, upon his return to Iraq, my Special Representative met with the Governing Council to discuss with its members the human rights situation in the country and ways in which the United Nations could be of assistance. The options included providing expert assistance to the Iraqis in ensuring accountability for past human rights crimes establishing a national human rights institution and developing a national human rights action plan.

6. The members of the Governing Council and the Coalition Provisional Authority informally indicated varying degrees of interest in United Nations involvement in the areas of human rights and electoral assistance. They expressed less enthusiasm for United Nations involvement in other areas noted in paragraph 99 of my report to the Security Council of 17 July 2003. They made no formal requests to my Special Representative for United Nations involvement in any of the areas. This occurred at the last meeting Sergio Vieira de Mello had with the Governing Council before his tragic death.

7. My late Special Representative undertook a number of activities with a view to promoting human rights norms in Iraq. In collaboration with the United Nations Development Programme (UNDP), he was in the final stages of opening the human rights documentation centre at Baghdad University. The Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNDP will continue to look into the feasibility of opening such a centre. Also, advisers to my Special Representative monitored the first nationwide elections of the Iraqi Bar Association

between 14 and 17 August. The advisers reported that the process was orderly, free and fair. On 23 and 24 August, the Office of my Special Representative, together with OHCHR and UNDP, organized a human rights training workshop in Erbil.

8. A team from the Electoral Assistance Division of the Department of Political Affairs was dispatched to Iraq from 31 July to 13 August 2003. The team consulted with a broad range of Iraqi actors, the Governing Council, the Coalition Provisional Authority, representatives of the international community and other members of the United Nations system on the nature of the transitional elections in Iraq and the schedule and challenges for their conduct. The team noted several key challenges that needed to be addressed, such as how to ensure inclusive criteria for voter registration, including Iraqis abroad; the need for the promulgation of a political party law to define political representation; and the importance of establishing a credible and independent electoral institution to organize and conduct elections. The team highlighted the logistical challenges of conducting a complex operation under precarious security conditions.

9. At the beginning of August 2003, the United Nations stood at a critical point with respect to its role in Iraq and its engagement with the region with regard to developments in Iraq.

10. On the one hand, United Nations agencies, funds and programmes were playing a key role in a variety of sectors, including food and nutrition assistance, the delivery of medical supplies, educational materials and drinking water, and emergency repairs of essential facilities, such as water and sewage treatment plants. Thanks in part to United Nations support for the efforts of the Coalition Provisional Authority and Iraqi ministries and local authorities, improvements in the provision of basic services were becoming noticeable.

11. The efforts of the Coalition Provisional Authority to restore Iraqi capacities in the field of law and order were beginning to bear fruit, a critical requirement for establishing favourable conditions for future reconstruction activities. The United Nations and the World Bank were in the midst of conducting a detailed reconstruction-needs assessment, in conjunction with Iraqi counterparts in line ministries, the Coalition Provisional Authority and a variety of non-governmental organizations. The needs assessment covered 14 priority sectors, as agreed at the technical meeting on reconstruction held in New York on 24 June 2003.

12. Furthermore, the formation of the Iraqi Governing Council on 13 July offered the potential to provide a credible and representative Iraqi interlocutor with which the United Nations could develop a comprehensive programme of action across a broad spectrum of activities, including in support of the political transition process. The Governing Council sent a delegation to the meeting of the Security Council on Iraq on 22 July. On 29 July it appointed a nine-member rotational leadership committee from among its 25 members, and on 11 August the Governing Council formed a 25-member constitutional preparatory committee. On 14 August, in paragraph 1 of its resolution 1500 (2003), the Security Council welcomed "the broadly representative Governing Council ... as an important step towards the formation by the people of Iraq of an internationally recognized, representative government that will exercise the sovereignty of Iraq".

13. These positive developments could have established a favourable context for a new phase of United Nations involvement in Iraq. However, major uncertainties

remained about the future role of the United Nations. First, the Governing Council and the Coalition Provisional Authority had not expressed any clear or shared vision on the role to be played by the United Nations in the remainder of the political transition process and other key areas suggested in my report of 17 July. Second, on this and other issues, divisions became apparent among Iraqis within and outside the Governing Council. And third, armed attacks against the Coalition forces, Iraqi institutions and other civilian and international targets intensified in sophistication, scale and breadth, precipitating a sharp downturn in the overall security situation.

14. The deteriorating security situation was acutely felt by the United Nations and other international organizations, including during the period prior to the attack on United Nations headquarters in Baghdad on 19 August. The World Food Programme (WFP) office in Mosul, for instance, reported attacks against its premises on 11, 12 and 13 July, including an incident in which a grenade exploded inside the office. On 20 July an Iraqi driver was killed and two aid workers were injured when unidentified gunmen opened fire on an International Organization for Migration vehicle 50 kilometres south of Baghdad. On 22 July unidentified assailants killed a Red Cross aid worker and an Iraqi driver near Hilla. On 28 July police guarding the United Nations office in Mosul found a rocket in an open area 80 metres behind the United Nations premises. In response to these incidents, the United Nations enhanced the monitoring and control of road movement throughout Iraq, particularly in contentious areas. In addition, international staff members in Mosul were relocated to Erbil, where the security situation was more stable.

15. There was a significant change in the nature and scale of the attacks when, on 7 August, a truck bomb exploded outside the Jordanian Embassy in Baghdad, killing at least 17 people and wounding dozens more; among the injured were two national staff members of the World Health Organization (WHO).

16. In short, by the time the Security Council, in its resolution 1500 (2003) of 14 August, authorized the establishment of UNAMI the situation was already considerably different from that envisaged less than one month earlier, when I outlined the proposed concept of operations for the mission in my report of 17 July 2003.

III. 19 August 2003 attack on United Nations headquarters in Baghdad and actions taken in its immediate aftermath

A. Events of 19 August 2003

17. At approximately 1630 hours local time on Tuesday, 19 August, a flatbed truck carrying an estimated 1,000 kilograms of high explosives was detonated on the service road adjacent to the south-west corner of the Canal Hotel, United Nations headquarters in Baghdad. The attack was carefully planned and deliberately targeted at the compound's weakest point, with devastating effect. It resulted in the death of 22 persons (15 of them United Nations staff members) and the wounding of more than 150, some of them wounded extremely seriously. My Special Representative for Iraq and United Nations High Commissioner for Human Rights, Sergio Vieira de Mello, was among those killed.

18. If not for the immediate and highly professional assistance rendered by the Swedish Rescue Service Agency at the scene, by the Iraqi emergency services and medical personnel throughout Baghdad, and by the United States-led Coalition forces — who brought all their formidable assets to bear to medically evacuate and treat the wounded — the death toll might well have been considerably higher. I express my deepest appreciation and gratitude to all of them, as well as to the Government of Jordan and the Government of Kuwait for receiving and providing medical care for evacuated United Nations staff.

19. The United States Federal Bureau of Investigation arrived at the scene within 40 minutes of the attack and commenced a criminal investigation. The investigation is still ongoing, with assistance from the Iraqi police.

20. Responsibility for the attack remains uncertain. Although the Abu-Hafs al-Masri Brigades, a group affiliated with Al-Qaida, among others, claimed responsibility in a message published on the Internet and in Arabic newspapers, the authenticity of the message has not yet been established.

B. Action taken in the immediate aftermath of the bombing

21. On 21 August I dispatched to Iraq an investigation team led by the senior security officer of OHCHR and comprising members of the Office of the United Nations Security Coordinator (UNSECOORD), the International Criminal Tribunal for the Former Yugoslavia and the Office of Internal Oversight Services. They were tasked with determining and recording the events leading up to the explosion and immediately thereafter, assessing the adequacy of preventive measures as defined in current security policies and procedures, and making recommendations on required adjustments to enable United Nations personnel to operate in greater safety in the future. I also instructed Tun Myat, the United Nations Security Coordinator, to visit Iraq from 23 to 30 August 2003 in order to review the security situation in all its dimensions and to make recommendations to me on what reductions in the number of United Nations personnel in the country might be required on security grounds.

22. While these investigations were under way, the detonation of a massive improvised explosive device in the holy city of Najaf on Friday, 29 August, resulted in hundreds of casualties and the death of one of the most important Shi'ah leaders in the country, Ayatollah Muhammad Baqer al-Hakim. I strongly condemned this sacrilegious terrorist attack.

23. My Security Coordinator noted in his report to me, submitted on 2 September, that the overall security situation in Iraq had deteriorated dramatically in the month of August. Iraq had entered a new phase in which all foreign organizations, as well as Iraqis cooperating with the Coalition Provisional Authority, were potential targets of deliberate, direct and hostile attack. This type of security threat had not been anticipated. The United Nations had chosen offices in locations that would facilitate contact with and accessibility to Iraqi partners and beneficiaries. The more than 800 international United Nations personnel deployed throughout the country were thus extremely vulnerable to further attacks. Coalition forces were not in a position to provide dedicated protection to all of them. Hence, the reduction of international personnel, well under way before 2 September, continued after the submission of my Security Coordinator's report.

24. On 5 September the Under-Secretary-General for Political Affairs, Kieran Prendergast, informed the Security Council in informal consultations of the decision I had taken under the circumstances to withdraw all international personnel other than those required for essential humanitarian assistance activities and security and logistics support. On the basis of those criteria, I had decided to reduce the number of international staff in Baghdad from 400 to approximately 50 and in the three northern governorates from 400 to approximately 30, and to vacate United Nations offices in Basra, Hilla and Mosul.

25. In informing the Security Council of my decision, the Under-Secretary-General for Political Affairs emphasized that a number of fundamental questions needed to be answered by the Council prior to deciding on the future role of the United Nations in Iraq. Who was behind the attack and why? Was the United Nations now considered to be indistinguishable from the United States-led Coalition, and hence subject to the same threats? Or did the United Nations retain an independent identity in the minds of the Iraqis at large, but had been attacked nonetheless by those seeking to undermine the Coalition and to make the country ungovernable? Or was this an attack on the new constellation of power represented in the Governing Council and on the United Nations political role in seeking international recognition for it? What needed to be done to enable United Nations staff to return to and operate in the country in safety? Were the tasks that United Nations staff were being asked to perform of sufficient importance to risk their lives? And was the security threat that United Nations and other international personnel were experiencing the primary challenge facing the Security Council on Iraq, or was it rather a symptom of a much deeper issue with serious implications for the future of the country and the region in general?

26. In considering these questions, I was also mindful of the reality that there are many facets to the relationship between the United Nations and the Iraqi people. Thirteen years of sanctions against and weapons inspections in Iraq may have engendered ambivalent feelings towards the United Nations. Much more needs to be done to change that general perception, however misguided it may be, in order to win their confidence, trust and good will.

C. Independent Panel on the Safety and Security of United Nations Personnel in Iraq

27. Recognizing that the attack of 19 August was a defining moment in the history of the United Nations, and that it posed questions about the scope of the United Nations presence in Iraq for the foreseeable future, on 22 September I appointed an Independent Panel on the Safety and Security of United Nations Personnel in Iraq. Led by Martti Ahtisaari, former President of Finland, the Panel was tasked with, among other things, examining the adequacy of United Nations security, management and practices prior to the attack, the circumstances of the attack itself and the actions taken by various parties in the immediate aftermath. The Panel made recommendations for improving the safety and security of United Nations personnel in Iraq and other similar operational environments.

28. The Panel submitted its report on 20 October. It concluded that there was no place in Iraq without risk and that a new security approach was needed in order to ensure staff security in such a high-risk environment. It also argued that the United

Nations security management system was in need of drastic reform, especially in the light of the new type of threat faced in Iraq — and potentially elsewhere. It recommended a separate and independent audit and accountability procedure to review the responsibilities of key individuals in the decision-making processes on security matters prior to the attack on 19 August. Accordingly, I established a team on 4 November, headed by Gerald Walzer, former Deputy High Commissioner for Refugees, to determine accountability at all managerial levels at Headquarters and in the field with respect to relevant decisions taken prior to the 19 August attack. The team has been asked to present its findings to me with the least possible delay.

D. Events leading to the further reduction of international staff

29. Meanwhile, also on 22 September, a second suicide attack was launched against United Nations headquarters at the Canal Hotel in Baghdad, resulting in the death of one Iraqi policeman and the wounding of others who were protecting the compound. Two United Nations national staff were among the injured.

30. The month of October was marked by a series of further well-planned and effective attacks. On 9 October a Spanish diplomat was assassinated in front of his home. On 12 October a car bomb exploded near the Baghdad Hotel, just two kilometres from the United Nations Children's Fund (UNICEF) and UNDP buildings in Baghdad. On 14 October a bomb exploded in the vicinity of the Turkish diplomatic mission in Baghdad. On 26 October the Al-Rashid Hotel, inside the "Green Zone", was struck with rockets. One day later, on the first day of Ramadan, a series of nearly simultaneous bomb blasts rocked Baghdad, killing more than 30 people and wounding more than 200 others. The first and largest, a suicide bombing, targeted the headquarters of the International Committee of the Red Cross (ICRC). Two Iraqi employees of ICRC were killed. Ten other people in the area were also reported killed and 22 wounded. The blast caused extensive damage inside the ICRC building.

31. These security incidents, and others directed at civilian foreign organizations, coupled with the findings of the Panel led by former President Ahtisaari, led me to draw down further the international United Nations presence in Iraq during the months of September and October; this included the relocation of international programme staff from Baghdad after the attack of 22 September. This period of retrenchment culminated with my decision, on 4 November 2003, to temporarily relocate all international United Nations staff in Baghdad, pending a comprehensive review of United Nations operations in Iraq and their security implications, leaving only a small core presence of international personnel in Erbil.

32. A series of recent well-orchestrated attacks targeting Coalition forces, as well as members of the diplomatic community, illustrates that the insurgents have diversified their targets. Nineteen Italians, including 12 Carabinieri military, were killed in a suicide bombing at Nasariya on 12 November, and 7 Spanish intelligence officers were killed on 19 November. Two Japanese diplomats and one Colombian contractor were killed on 29 November, and two contractors from the Republic of Korea were killed on 30 November.

IV. Sustainment of United Nations relief, recovery and reconstruction planning activities post-19 August

33. Despite the devastation of the Office of the Special Representative in the bomb blast of 19 August and the subsequent relocation of the United Nations international staff presence outside the country, a substantial number of planned United Nations activities have continued. This is particularly true with respect to (a) humanitarian relief and emergency rehabilitation efforts, (b) the reconstruction needs assessment process and the Madrid Conference and (c) the termination of the oil-for-food programme. All three are addressed below.

A. Humanitarian relief and emergency rehabilitation

34. After the initial substantial reduction in international staff following the attack of 19 August, United Nations agencies made every effort to continue their most essential humanitarian assistance activities while minimizing the risk to the remaining staff. This challenge became even more acute when the remaining international programme staff of the agencies had to be withdrawn from Baghdad after the attack of 22 September. Some activities had to be scaled down or delayed, and many new initiatives that had been planned over the summer had to be put on hold.

35. Despite the sharply reduced international presence inside Iraq, United Nations agencies and programmes have managed to continue a broad range of essential assistance activities in all parts of the country. This has been made possible, first and foremost, through the unwavering commitment and courage of our national staff in all 18 governorates of Iraq. They have continued to implement and monitor programmes, working closely with Iraqi and international partners, and have kept in close contact with their international United Nations colleagues relocated in neighbouring countries. Many agencies reintroduced procedures and working methods they had adopted while international staff, having been evacuated, were outside Iraq during the second half of March and April. They also drew on experience gained in other emergencies around the world in which, for security reasons, relief operations have had to be supported from outside the affected countries, sometimes for extended periods of time.

36. After the attacks of 19 August and 22 September, international staff were redeployed from Baghdad, Basra and other area offices to neighbouring countries, particularly Jordan and Kuwait, where they have continued to support assistance operations inside Iraq. Several United Nations agencies have been carrying out cross-border operations from the Islamic Republic of Iran, Kuwait, Saudi Arabia, Jordan and the Syrian Arab Republic, delivering essential supplies to Iraqi counterparts throughout the country. From outside the country, international staff personnel have been able to provide logistics and administrative support, as well as day-to-day guidance to national staff. Agencies and programmes have held regular meetings with Coalition Provisional Authority and Iraqi officials in the region and at agency headquarters, including extensive consultations on the handover of the oil-for-food programme, training workshops and other technical meetings aimed at capacity-building at ministries and other Iraqi institutions. These meetings have

included round-table discussions with Iraqi officials, academics and other members of civil society on gender and the environment.

37. A key priority throughout this period has been support for the public distribution system, which remains a crucial lifeline for millions of Iraqis. The importance of the ration system under the current circumstances was again confirmed by a crop, food supply and nutrition assessment conducted by the Food and Agriculture Organization of the United Nations (FAO) and WFP. Although the report on the assessment, which was issued on 23 September, indicated that the level of domestic cereal production had increased, it also clearly showed that millions of Iraqis had no access to food other than through the public distribution system ration. To support this system, WFP has delivered, since the start of its operation in April, more than 2 million metric tons of food commodities to Ministry of Trade warehouses around the country, providing enough food assistance for the entire population of Iraq.

38. While the ration system remains a vital form of support in the short to medium term, agencies have also focused their efforts on assistance for agriculture and domestic food production. With funding provided under the oil-for-food programme, FAO procured large quantities of urgently needed agricultural inputs and oversaw the purchase of high-quality wheat and barley seeds from Iraqi farmers. In Basra FAO assistance has aimed to meet the needs of vulnerable sectors engaged in agriculture, particularly households headed by females, and to help rehabilitate irrigation systems in war-affected areas.

39. Other priority sectors identified in the revised humanitarian appeal of 23 June included health and water and sanitation. Maintaining essential operations in these sectors after 19 August has been a key priority, in particular for UNICEF and WHO. UNICEF has continued to deliver an average of 15 million litres of water per day and has helped rehabilitate water and sewage treatment plants, pumping stations and water networks. It has also provided fuel, chlorine gas and other supplies to water and sewage facilities in Baghdad and other parts of the country. Under the oil-for-food programme, the United Nations Office for Project Services (UNOPS) had been responsible for upgrading the water and sanitation system for the three main urban centres in the northern governorates. By the end of the programme on 21 November 2003, UNOPS had finalized the development of master plans and implemented six emergency water supply projects.

40. In the health sector, WHO has continued to work closely with the Ministry of Health in a broad range of areas, including disease surveillance, communicable disease control, public and environmental health diagnostics, capacity-building and the delivery of medical supplies. Specific activities include support for Ministry of Health sentinel sites for disease surveillance and the production of a "public health verification list" in which potential public health concerns are raised and monitored in coordination with the Ministry of Health. To assist in communicable disease control, WHO has provided drugs and diagnostic tools, treated bed nets and supported spraying and fogging activities for leishmaniasis and malaria vector control.

41. UNICEF has played a key role in supporting the national immunization campaign conducted by the Ministry of Health, reaching about 1 million children in September alone. It has also helped the Ministry of Health improve the delivery of services for children and women through the rehabilitation of primary health

centres, reconstruction of delivery rooms and continuous training of health workers. The targeted nutrition programme is being restored through primary health centres and community childcare units. Large-scale monitoring of children's nutritional status has also resumed.

42. A further focus of the United Nations assistance has been emergency infrastructure rehabilitation and employment generation. UNDP, in particular, has conducted emergency repairs to electrical infrastructure, labour-intensive infrastructure rehabilitation, and dredging and wreck removal in Iraqi waterways, as well as providing microcredit to vulnerable families.

43. As specifically mandated by Security Council resolution 1483 (2003), the United Nations has been assisting in the return and reintegration of refugees and internally displaced persons. Under current conditions, the Office of the United Nations High Commissioner for Refugees (UNHCR) is not promoting the voluntary return of refugees to Iraq. It has, however, continued to provide assistance, in close coordination with host Governments, to individuals who insist on returning in spite of current conditions and whose return is non-contentious. For example, it has assisted in the repatriation of about 3,000 of the 5,000 refugees in the Rafha camp in Saudi Arabia. Three additional groups have returned from Lebanon, and on 19 November the first organized voluntary repatriation took place from the Islamic Republic of Iran. In addition to the submission of requests for clearance to the Coalition Provisional Authority, return assistance is currently limited to the provision of basic non-food items and transportation.

44. Over the summer and autumn a large proportion of Iraq's hundreds of thousands of internally displaced persons have tried to move back to their original homes. Some are now living in tents pitched next to their destroyed houses, while others have managed to move back into their former homes, in some cases causing tension and further displacement. Since early summer, UNHCR has been assisting internally displaced persons to return to villages where there are no disputes about the ownership of property. Assistance to internally displaced persons and monitoring of their needs, as well as of internal population movements, has also been provided by the International Organization for Migration and a number of non-governmental organizations that are concentrating their activities in priority governorates.

45. Support for refugees inside Iraq has been another priority. Syrian refugees are currently being registered in Baghdad, and assistance is being provided to those in need. UNHCR also held discussions with the Government of Turkey and the authorities in Iraq regarding the possible voluntary return of Turkish refugees from northern Iraq, notably from the Makhmour camp and the Dohuk area. There are also an estimated 80,000 Palestinian refugees in Iraq, most of whom live in Baghdad. Registration of these refugees, who face new problems following the fall of the previous regime, continues. Assistance is being provided to some 400 Palestinian families who were evicted from their homes and are living in tents in a Baghdad sports club. More than 100 of these families are now being moved to rented accommodation, and suitable arrangements are being worked out for the other evicted families.

46. United Nations assistance activities during the reporting period have included the education and culture sectors. UNICEF is supporting the distribution of school supplies for 3.3 million primary school students and their teachers in more than 8,700 schools, as well as the rehabilitation of some 300 schools by the end of the

year. Thirty-three million textbooks printed in neighbouring countries are being delivered to the directorates of education, and 11 million textbooks are currently being printed in Iraq for delivery through the first quarter of 2004. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has conducted an extensive survey of Iraq's secondary, technical, vocational, teacher-training and higher education institutions, identifying priority needs and providing a national education database for the Iraqi Ministry of Education and Ministry of Higher Education, reconstituting information and statistical files lost during the conflict. National staff have been completing a digital inventory of the Iraq Museum collection and have assisted in rehabilitating the National Heritage Institute.

47. The United Nations mine-action activities have been led by the Mine Action Coordination Team that was established in Baghdad with the participation of representatives of the United Nations Mine Action Service, UNDP, UNICEF and WFP. In cooperation with the Coalition Provisional Authority Mine Action Team, the United Nations has supported the development of the Iraqi National Mine Action Authority, the Iraqi Mine Action Centre in Baghdad and regional mine action centres in Erbil and Basra. Up to the end of October, 281,785 mines and items of unexploded ordnance had been destroyed. Mine-risk education was conducted in four southern governorates, as well as in the three northern governorates.

B. Reconstruction needs assessment and the Madrid Conference

48. On 23 October I attended the opening of the International Donors Conference for the Reconstruction of Iraq in Madrid. The key document before the Conference was the consolidated needs assessment report prepared jointly by the United Nations Development Group (UNDG) and the World Bank, with assistance from the International Monetary Fund (IMF). While ongoing and planned consultations on the needs assessment with Iraqi officials and civil society stakeholders were cut short by the attack of 19 August, detailed consultations on a draft of the assessment were held in late September 2003 in Dubai with members of the Governing Council, several interim ministers and the Governor of the Central Bank of Iraq. The assessment covered 14 priority sectors most urgently in need of reconstruction assistance and estimated that Iraq's reconstruction needs in these sectors would be $36 billion over the period from 2004 to 2007.

49. The Madrid Donors Conference was held at the invitation of the Government of Spain, on behalf of the European Union, Japan, the United Arab Emirates and the United States of America. It was attended by representatives from 73 countries and 20 international organizations. At the end of the Conference, participants announced overall pledges amounting to more than $33 billion in grants and loans until the end of 2007, including $20 billion from the United States of America, $5.5 billion from the World Bank and the IMF and $5 billion from Japan.

50. In order to help coordinate and channel contributions towards reconstruction and development activities in Iraq, the United Nations and the World Bank had been requested to present terms of reference for an international reconstruction fund facility for Iraq in Madrid. To build on the respective strengths and comparative advantages of both the United Nations and the World Bank, the proposed facility comprises two trust funds for Iraq, intended to be established by the end of this year, one by the World Bank and the other by UNDG. The World Bank trust fund will

concentrate mainly on technical assistance, feasibility studies and infrastructure support, whereas the United Nations-managed trust fund will focus on technical assistance in relevant sectors, quick-impact projects and transition activities that need to be implemented in a rapid and flexible manner. The committees overseeing the facility will work closely with relevant Iraqi authorities to ensure that the activities financed are implemented as much as possible by Iraqis themselves, with the aim of helping to develop sustainable local capacities.

C. Termination of the oil-for-food programme

51. In paragraph 16 of its resolution 1483 (2003), the Security Council requested me to terminate by 21 November 2003, in the most cost-effective manner, the ongoing operations of the oil-for-food programme, both at Headquarters and in the field, transferring responsibility for the administration of any remaining activity under the programme to the Coalition Provisional Authority.

52. The Security Council has received regular updates from the Office of the Iraq Programme on the phasing down and termination of the programme, most recently on 19 November. As I told the Security Council the following day, the United Nations can take pride in the fact that we achieved an orderly handover of the programme — one of the largest, most complex tasks ever entrusted to the Secretariat — on time and in spite of the difficult circumstances following the attacks against the United Nations on 19 August and 22 September. I again want to pay tribute to both the international and national staff who worked on the programme.

53. While all remaining responsibilities under the oil-for-food programme have been handed over to the Coalition Provisional Authority, the Authority has requested several United Nations agencies to provide continued support in certain areas formerly covered by the programme. This includes technical and logistical support by WFP for the public distribution system, as well as support by WHO for the Ministry of Health.

D. International Advisory and Monitoring Board

54. In accordance with paragraph 12 of Security Council resolution 1483 (2003) and paragraph 23 of resolution 1511 (2003), the terms of reference of the International Advisory and Monitoring Board were agreed upon by its four member institutions on 21 October and noted by the Council on 24 October. The first organizational meeting of the Board is scheduled to take place on 5 December. Further to the objective set forth in paragraph 14 of resolution 1483 (2003), the Board will seek to ensure that the Development Fund for Iraq is used in a transparent manner and that export sales of petroleum, petroleum products and natural gas from Iraq are made consistent with prevailing international market best practices.

V. Key political developments post 19-August

55. There have been significant political developments in Iraq post-19 August, especially with respect to the provisions of resolution 1483 (2003). As discussed below, these include (a) the appointment of interim ministers and the completion of the preparatory constitutional committee's report; (b) the adoption of resolution 1511 (2003); and (c) the agreement reached between the Governing Council and the Coalition Provisional Authority on the political transition process.

A. Appointment of interim ministers and the work of the preparatory constitutional committee

56. On 1 September the Governing Council announced the appointment of interim ministers to oversee the day-to-day operations of 25 ministries. New ministries were formed in the areas of human rights, environment, immigration and refugees, military affairs, electricity, finance and banking, while the Ministries of Defence, Information, and Endowment and Religious Affairs were disbanded. The cabinet's composition mirrored the political and sectarian affiliations of the Governing Council, with a small Shi'ite majority (13) and equal representation of Kurds (5) and Sunni Arabs (5). Christian and Turkmen minorities were also represented. Only one woman was appointed interim minister (compared with three in the Governing Council). The cabinet took office on 3 September after being sworn in by Governing Council members Ibrahim al-Ja'afari, Jalal Talabani and Ahmad Chalabi. The newly appointed ministers were expected to work in tandem with the Governing Council, while a Coalition Provisional Authority-appointed adviser would remain on staff in each ministry.

57. At the same time, the Governing Council sought to develop contacts with neighbouring countries and the region at large, in addition to international and regional organizations. On 9 September the interim Iraqi Minister for Foreign Affairs, Hoshyar Zebari, assumed Iraq's seat at the League of Arab States meeting of Foreign Ministers in Cairo. Although the League of Arab States granted the interim Foreign Minister one-year provisional recognition, it also received at its headquarters in Cairo a delegation of Iraqis challenging the legitimacy of the Governing Council to represent Iraq. Similarly, during the summit of the Organization of the Islamic Conference in Malaysia, the Malaysian President received the then acting President of the Governing Council, as well as Iraqis representing groups outside the Governing Council. On 2 October, on behalf of the Governing Council, its acting President addressed the United Nations General Assembly, no objection having been raised by any other Member State.

58. On 20 September Akila al-Hashimi, one of three women on the Governing Council, was assassinated, illustrating the severe risks facing Iraqis cooperating with the Coalition Provisional Authority-led process. Since then, serious threats and attempts against the lives of members of the Governing Council, interim ministers and officials at the governorate and municipal levels have continued. For example, Faris Al-Assam, Deputy Mayor of Baghdad, was assassinated on 26 October.

59. Against this backdrop of persistent and targeted violence, I voiced concerns to Member States — at a meeting with the Ministers for Foreign Affairs of the five permanent members of the Security Council held in Geneva on 13 September, and

subsequently with other Council members and neighbouring States, including at high-level meetings on the margins of the general debate of the General Assembly at the end of September — that the conditions in Iraq were less than conducive to an early and inclusive process of nationwide consultations on a new constitution or for the holding of elections soon. United Nations experience in various post-conflict environments was that conducting these critical democratization processes in sub-optimal conditions and haste risked fuelling divisions rather than promoting genuine national ownership of, and full legitimacy for, the new constitutional arrangements. Conversely, if allowing the time needed for the completion of these processes meant prolonging the occupation of Iraq, this would be neither desirable nor likely to be sustainable.

60. For these reasons, I urged consideration of de-linking the constitutional and electoral processes from the early formation of a provisional but sovereign Iraqi Government, so that the occupation could be brought to an end sooner rather than later. I also appealed to members of the Security Council to ensure that any role they considered assigning to the United Nations in support of the political transition process took full account of the events and prevailing security situation that had precipitated the withdrawal of international United Nations staff from the country.

61. The constitutional preparatory committee, which had been formed on 11 August, reached conclusions with respect to options for the drafting and adoption of a new constitution for Iraq. In its report submitted to the Governing Council on 30 September, the committee recommended that the new Iraqi constitution be drafted by a directly elected body (constitutional conference) and that, thereafter, the draft constitution be voted on by the population as a whole through a general referendum. It favoured asking that the process of electing delegates to the constitutional conference be conducted under United Nations supervision. While recognizing that this option would require at least one to two years, the committee preferred it to less time-consuming options — such as the drafting of the constitution by a partially elected or selected body — because it placed primacy on the need for genuine and widespread national ownership of the final product.

B. Adoption of resolution 1511 (2003)

62. On 16 October the Security Council unanimously adopted resolution 1511 (2003). It will be recalled that operative paragraphs 7, 9, 10, and 11 of that resolution, in particular, had significant implications for future United Nations political activities in Iraq. I was particularly grateful to the sponsors for inserting the caveat "as circumstances permit" with respect to the implementation of the original plans of UNAMI, as well as in support of the formulation and implementation of a timetable and programme for the drafting of a new constitution and the holding of elections, with support from the United Nations "if requested by the Governing Council". In doing so, Security Council members took into consideration my concerns that the United Nations not take on responsibilities it could not successfully carry out.

63. As I had indicated on a number of occasions in various forums, for United Nations engagement to be successful, adequate measures for staff security needed to be in place first. Furthermore, I indicated that in order for a United Nations role in the political process to be effective, it needed to be supported by all members of the

Governing Council, key Iraqi figures outside the process, the occupying Powers, key States in the region, a united Security Council and major donor countries.

C. The 15 November 2003 agreement on the political process

64. Meanwhile, on 15 November 2003 Jalal Talabani, then President of the Governing Council, and Ambassadors L. Paul Bremer and David Richmond, on behalf of the Coalition Provisional Authority, concluded an agreement on the timetable and programme for the drafting of a new constitution and holding of elections under that constitution, which the Security Council, in operative paragraph 7 of resolution 1511 (2003), had requested be submitted for its review no later than 15 December, as well as on a course of action to restore full responsibility for governing Iraq to the people of Iraq by 1 July 2004. United States Secretary of State Colin Powell, Sir Jeremy Greenstock of the United Kingdom of Great Britain and Northern Ireland and Mr. Talabani all telephoned to brief me on the plans. Though the 15 November agreement makes no specific mention of any role for the United Nations, all of them, particularly Mr. Talabani, expressed their desire for the United Nations to play an active part in its implementation.

65. The 15 November agreement stipulates, in summary, that, through a Coalition Provisional Authority-supervised process of caucuses held in the 18 governorates of Iraq, a transitional national assembly will be established by 31 May 2004; that assembly will then elect an executive branch and appoint ministers. By 30 June 2004, the new transitional administration — whose scope and structures are to be set out in a "fundamental law" to be approved by the Coalition Provisional Authority and the Governing Council by 28 February 2004 — will assume from the Coalition Provisional Authority full responsibility for governing Iraq. The Authority and the Governing Council will be dissolved at that time. The agreement also sets forth a specific timetable for the constitutional process to be codified in the fundamental law, with elections for a constitutional conference to be held by 15 March 2005 and a popular referendum to be held to ratify the constitution. Elections for a new Government under that constitution are to be held by 31 December 2005, at which point the fundamental law will expire. On the security issue, the 15 November document calls for a security agreement to be signed by the Coalition Provisional Authority and the Governing Council no later than the end of March 2004, mainly to cover the status of the Coalition forces in Iraq.

66. It will be recalled that on 21 November the Permanent Representative of the United States of America briefed the members of the Security Council on the provisions of the political agreement of 15 November in further detail (see S/PV.4869).

67. It will also be recalled that, in a letter dated 23 November to the President of the Security Council, Mr. Talabani formally submitted to the Security Council the Governing Council's response to the request contained in paragraph 7 of resolution 1511 (2003). In that letter Mr. Talabani indicated the same timetable and programme for the drafting of a new constitution and the election of a new Government under that constitution set out in the 15 November agreement, though without reference to that document. Mr. Talabani's letter also reiterated a number of principles to be embodied in the fundamental law, which was to be established by the Governing Council, including the establishment of a unified multilateral democratic federal

system that respects the Islamic identity of the majority of the Iraqi people while ensuring the rights of religions and sects.

68. Shortly after the dispatch of Mr. Talabani's letter, Grand Ayatollah Ali al-Sistani expressed concerns about the approach of indirect caucus-style elections for the transitional national assembly, favouring direct general elections instead. This issue continues to be discussed within the Governing Council, between the Governing Council and other Iraqi leaders and between the Governing Council and the Coalition Provisional Authority.

VI. The way forward for United Nations activities in Iraq

69. The most recent developments in the political transition process could have important implications for the future role of the United Nations in Iraq. The fact that a sovereign transitional Government of Iraq is envisaged to be established by 30 June 2004 requires me to consider which United Nations activities are appropriate now, as opposed to those that should await its formation.

70. Humanitarian assistance, emergency rehabilitation, technical assistance for ministries related thereto and the initiation of critical reconstruction activities cannot and should not wait. There are immediate and pressing needs that must be urgently met. Furthermore, all of these programmes can contribute to creating favourable conditions for the key political processes that lie ahead. There is a tremendous amount of work that needs to be done now and, as described in detail earlier, the United Nations agencies, funds and programmes continue to play a very active role in these areas, working on the basis of requests from and very closely with their Iraqi counterparts, and in close consultation with the Coalition Provisional Authority. The United Nations could strengthen its role in these areas over time, as called for by the Security Council in paragraph 8 of its resolution 1511 (2003), as circumstances permit.

71. It should also be stressed that civil society, especially national human rights and women's organizations and national media, have an essential role to play in the political dialogue on the future of their country. The United Nations has a great deal of experience and expertise in supporting civil society. As indicated in paragraph 98 of my report of 17 July 2003, this was intended to be one of the core areas of activity for UNAMI. Ways and means need to be found for UNAMI and United Nations agencies to play that role, as effectively and as quickly as possible, as circumstances permit.

72. On the political front in the immediate to medium term, it has yet to be established what role, if any, Iraqis and the Coalition Provisional Authority would like the United Nations to play in the formation of the transitional national assembly by 31 May 2004, how substantive that role might be in relation to the evident security risks and whether circumstances would permit the United Nations to play any such role effectively, if requested to do so. It would be important to have clarity both as regards what might be expected of us and about respective new responsibilities.

73. Meanwhile, in a letter dated 10 November, Jalal Talabani, then President of the Governing Council, urged me to consider appointing a new Special Representative for Iraq, who need not be resident in Iraq, but who could come periodically for consultations as needed. In my response of 21 November, I assured Mr. Talabani

that I remained determined that the United Nations should continue to assist the Iraqi people, from both inside and outside the country, as circumstances permit. I also indicated that I intended to appoint a Special Representative for Iraq in the not-too-distant future.

74. In addition to United Nations activities, it should be recalled that in several of its resolutions the Security Council recognized, as I have, the importance of international support, particularly from countries in the region and regional organizations, in taking forward expeditiously the transition process in Iraq.

75. I therefore welcome and encourage the further holding of meetings by the Foreign Ministers of regional countries, such as that which took place in Damascus on 1 and 2 November. Also, I have established an advisory group on Iraq, composed of neighbouring countries, Egypt and members of the Security Council. My aim in doing so was to initiate an informal dialogue and to see if we can develop a common basis for approaching the situation in Iraq. I also intend to enhance contacts between the United Nations and regional countries and regional organizations with a view to building confidence at three levels: between Iraq and its neighbours, within the region itself and between the region and the larger international community.

76. In the longer term, if the Iraqis so request and as circumstances permit, the United Nations, as mandated by resolution 1511 (2003), will make available to the Iraqi people its expertise on the constitutional and electoral processes envisaged to take place in the latter half of 2004 and throughout 2005.

77. The United Nations has considerable experience in providing technical assistance and organizing transitional elections. Electoral assistance has been given in a variety of areas. The first involves the establishment of a legal framework, including the formulation of the electoral system, in particular the form and basis of representation for the bodies to be elected; the eligibility criteria for voters and candidates; and the definition of the electoral authority or authorities in charge of the process. A second aspect revolves around the establishment of an electoral administration, which entails the setting up of offices, recruitment of personnel and development of procedures. A third area of activity relates to the preparation, planning and conduct of the various electoral operations, which may include the establishment of a voters' register in addition to the registration of political parties and candidates, civic education, polling, counting and the announcement of the results.

78. In preparations for credible general elections in Iraq, the electoral process might require assistance in each of these three areas. However, no determination of electoral assistance by the United Nations can be made without a specific request of the Member States, as well as the launching of a needs assessment mission, as per standard United Nations practices. It is the needs assessment mission that provides a recommendation for any type of assistance based on the conditions of the requesting country.

79. A constitution should embody the core principles of a nation, including the extent and manner of the exercise of its sovereign powers. It follows that it must be wholly produced and owned by the people of Iraq. The document should take into consideration the views and aspirations of all Iraqis on relevant issues, including the structure of Iraq's Government, the role of religion and the articulation of a set of fundamental rights and principles by which Iraqis wish to be governed.

80. My late Special Representative had already begun to share with the people of Iraq the lessons learned from the United Nations support for constitutional processes in various post-conflict countries, with a view to helping them make informed decisions on the design of a truly participatory process. The United Nations stands ready to mobilize its resources to assist an internally driven constitutional process, once work on drafting a permanent constitution starts.

81. Irrespective of whatever direct contribution the United Nations might make to the political process in the immediate or long term, there is clearly ample potential for the Organization to continue to play an important role in Iraq. The key task is to develop a detailed plan of action that takes into consideration the conditions and circumstances required if the United Nations is to play that role effectively both inside and outside the country. It would be helpful if re-emerging Iraqi political institutions and the Coalition Provisional Authority could be specific as regards the ways and means in which UNAMI might be useful during the transition.

82. To that end, a detailed planning process was initiated at a meeting held in Nicosia, Cyprus, from 11 to 15 November. Representatives of 20 United Nations departments, agencies, funds and programmes, including the United Nations agency country team for Iraq, and UNAMI personnel participated. The Nicosia meeting and subsequent deliberations conducted at United Nations Headquarters have resulted in a plan for future United Nations activities in Iraq in the immediate to medium term, with respect to (a) security, (b) the deployment of UNAMI and (c) criteria for revisions to the United Nations country strategy for relief, recovery and reconstruction for 2004.

A. Security

83. The following assumptions regarding the security situation, for planning purposes, were borne in mind throughout the substantive programmatic review of United Nations activities in Iraq:

(a) The security environment is unlikely to improve in the short to medium term, and could deteriorate further;

(b) The United Nations will remain a high-value, high-impact target for terrorist activity in Iraq for the foreseeable future.

84. The acting United Nations Security Coordinator assessed the current risk to United Nations personnel in Iraq as falling in the high to critical category (Security Phases IV/V), but considered that, over time, gradual improvements in the security environment, coupled with the full implementation of a range of protective measures, had the potential to reduce the risk to medium to high (Phases III/IV). These measures include:

(a) Protection by a dedicated, highly mobile, cohesive, responsive armed force on a country-wide basis;

(b) Preparation and full implementation of enhanced Minimum Operating Safety Standards (MOSS) to include security plans and procedures and significant office and residential building upgrades. None of the United Nations premises in Iraq is yet fully MOSS-compliant;

(c) The establishment of an effective, well-trained and well-equipped security management and coordination structure to include high-grade liaison links with information sources and the capacity to analyse associated information;

(d) Training on security matters for staff at all levels;

(e) A highly capable and responsive emergency medical support element;

(f) Protected vehicles;

(g) A comprehensive, far-reaching public information strategy that is sensitive and responsive to security considerations and effectively explains (to the uninformed) the role, capabilities and tasks of the United Nations.

85. The stringent measures recommended by the United Nations security professionals respond to the substance and spirit of the findings of the Independent Panel on the Safety and Security of United Nations Personnel in Iraq. However, these protective measures will take a number of months to institute and will constrain the effectiveness of certain United Nations activities, which depend upon the accessibility and mobility of staff throughout the country to meet with national partners and beneficiaries alike.

86. The protective measures that have been recommended will have significant financial implications, particularly in respect of the provision of MOSS-compliant facilities and quantities of equipment; of the continued availability of safe access by air (presently made possible by the provision by Belgium of a military aircraft with protective equipment); and of additional security officers and logistics specialists to manage construction.

87. In view of the limited number of posts and worldwide security needs, UNSECOORD can at present assign only two regularly funded field security coordination officers to Iraq. An additional four such officers are financed through voluntary contributions by Member States to the Trust Fund for the Security of Staff Members of the United Nations System. These funds are used to address personnel, equipment and operating costs. A minimum of 19 field security coordination officers, as well as a security operations information centre and a training facility, are required to provide adequate security for the return of international staff members in significant numbers to Iraq. Additional instructors are also necessary to deliver the special training that will be required for all United Nations staff members prior to their re-entering Iraq, so as to permit them to deal with the high level of risk involved. UNSECOORD, with the assistance of my acting Special Representative, is continuing to seek voluntary contributions to address these prerequisites.

88. Moreover, at every step of the process, detailed discussions at various levels will be required with Coalition forces or the multinational force to obtain their assessment of what is operationally feasible. Ultimately, formal agreements should be concluded between the United Nations and the Coalition Provisional Authority with regard to protection, exchange of information, emergency medical evacuation and the possible use of Coalition or multinational force facilities as required.

89. In summary, establishing the necessary security conditions will be a time-consuming and expensive process. Under the circumstances, it is difficult to envisage the United Nations operating with a large number of international staff inside Iraq in the near future, unless there is an unexpected and significant improvement in the overall security situation.

90. It follows that in the course of the coming months, the United Nations will need to rely maximally on national staff to carry out in-country programmes, to the extent that security and other conditions allow. We will also implement a revised concept of operations for international staff based outside the country to fulfil as many as possible of the tasks that cannot be performed by national staff, including through temporary visits inside Iraq, as security conditions permit.

91. Ensuring the security and safety of staff will remain a significant challenge for some time to come as United Nations agencies continue essential assistance activities on the ground. Establishing secure facilities and other measures to enhance physical protection are a central aspect of this effort. But it is also clear that the United Nations, including all of its agencies, funds and programmes, needs to rethink how it operates. United Nations international capacity in Iraq will remain limited due to security restrictions, at least in the short to medium term. As a result, United Nations agencies will have to work more closely together than ever before to make the most of that limited capacity. To reduce exposure as much as possible, they will work as part of an integrated team and adopt innovative approaches to the use of common services. In this regard I have instructed the Office of Mission Support of the Department of Peacekeeping Operations to take the lead in organizing a common services framework for UNAMI and related agencies.

B. United Nations Assistance Mission for Iraq

92. The United Nations Assistance Mission for Iraq was never envisaged to be a large operation with a complex structure. Prior to 19 August it was expected to consist initially of fewer than 400 staff in total (deployed throughout the country within one of three key components: the Office of the Special Representative of the Secretary-General; the Office of the Deputy Special Representative of the Secretary-General for the coordination of United Nations relief, recovery and reconstruction activities; and an administrative and logistics support component), of whom approximately half were to be nationally recruited. This number was expected to increase if the United Nations was later asked to play a significant electoral role.

93. It is impossible to forecast, at this juncture, if and when circumstances will permit the full deployment of UNAMI to Iraq. Clearly, the operation will need to build up incrementally, at a pace and scope that cannot yet be defined. At the same time, prudent contingency planning is required to enable the United Nations to respond as quickly as possible to requests for assistance from the Iraqi people, should circumstances permit.

94. Therefore, I have decided to commence the incremental process of establishing UNAMI by setting up the core of the Mission outside of Iraq. The bulk of UNAMI staff will be located temporarily in Nicosia. Additional UNAMI staff will be deployed to a small office in Amman and to other locations in the region, as required. I envisage an integrated core team of approximately 40 international UNAMI staff in total — consisting of political, human rights, public information, humanitarian and developmental programme officers, as well as security and administrative/logistics support specialists — to be in place by early 2004. This number would be expected to increase to up to 60 international staff (to cater for a personal security detail and immediate front office staff) once a new Special Representative has been appointed.

95. This core UNAMI team will initially be managed by Ross Mountain, who will serve as acting Special Representative, until such time as a new Special Representative is appointed.

96. The core UNAMI team will lead operational planning efforts for the eventual deployment of UNAMI to Iraq, as well as coordinate the activities of and provide guidance to the United Nations agencies. Furthermore, the political and human rights officers will meet with Iraqis travelling in the region to discuss with them the political and human rights situation in the country. The political officers will also intensify engagement and dialogue with key States in the region. As security conditions permit, team members will visit Iraq to meet with Iraqi officials and the Coalition Provisional Authority. The UNAMI core team will also lead the articulation and subsequent implementation of a robust public information strategy through media outlets based in the region and national staff in Iraq.

C. Relief, recovery and reconstruction assistance

97. During the Nicosia consultations, much progress was made in working out modalities to implement an integrated approach to the United Nations relief, recovery and reconstruction activities. The basis for the United Nations assistance efforts will be a fully integrated United Nations country team strategy for 2004, which will be finalized by January 2004 and reviewed on a quarterly basis to reflect emerging needs and changing circumstances. United Nations activities and strategies within specific sectors will be integrated and coordinated by sectoral teams and task managers, an approach that was also adopted successfully during the needs assessment process earlier this year. The implementation of United Nations programmes on the ground will be led by an integrated implementation team.

98. It is also clear that we have to do more to empower our national staff, who have borne primary responsibility for implementing our programmes. This entails providing them with increased management authority for finance and personnel matters, as well as close consultation on all policy and operational issues. At the same time, we have to ensure that increased authority for our Iraqi colleagues does not increase their exposure to threats. I am deeply concerned about the security of our national staff, particularly as their profile has been raised in the absence of international staff from most of the country. A number of steps have already been taken and additional measures are planned to enhance their safety, not only at work but also in their homes.

99. While the integrated assistance strategy is still being finalized, certain basic criteria and priorities for next year have already emerged. First, particularly given the limitations on our capacity, United Nations agencies will have to focus even more carefully on areas in which they have a clear comparative advantage and can have a real impact on the ground, even under current conditions. Second, our assistance should target the most vulnerable groups, not only in large urban centres but in smaller cities and deprived rural areas. Third, we should support the capacity of national and local institutions, as well as civil society. To this end, we will enhance our engagement with Iraqi partners, including ministries, municipalities, professional associations, Iraqi non-governmental organizations and the private sector.

100. The United Nations agencies and programmes are planning a wide range of assistance activities in 2004 that will be reflected in the integrated strategy and country programme. Some examples are described below to illustrate the overall approach:

(a) As part of targeted food assistance efforts, a school feeding programme for 60,000 children is being planned in two governorates in the centre and south of the country, in addition to the ongoing school feeding programme in the three northern governorates. In parallel, WFP and UNICEF have joined efforts with the Iraqi Nutrition Research Institute to start a supplementary feeding project. Supplementary feeding activities in the three northern governorates targeting 14,000 malnourished children and 43,000 pregnant and nursing mothers will continue;

(b) In the health sector, the emphasis of WHO activities will increasingly shift to supporting the development of capacity within the Ministry of Health and governorate health offices to run a health system that offers accessible, affordable and equitable services in ways that involve community groups, health professionals and other key actors;

(c) In coordinating water and sanitation activities, UNICEF plans to focus on increasing access to potable water and sanitation coverage;

(d) Protection and assistance will focus on the most vulnerable internally displaced persons and communities to which they intend to return. This includes, for example, coordination by UNHCR of policy advice to Iraqi authorities related to the return of internally displaced persons and refugees, and pilot projects planned by the United Nations Human Settlements Programme that will provide shelter to the most vulnerable families in certain returnee communities;

(e) UNDP intends to support local civil society organizations and to assist in strengthening local governance, including urban management and planning. Activities aimed at rapid employment generation will be expanded to rural areas;

(f) Assistance for the agricultural sector by FAO will be aimed at rehabilitating critical infrastructure and restoring key services and institutions, including irrigation and drainage schemes and damaged animal- and seed-production facilities;

(g) The establishment of the National Open University of Iraq will be supported by UNESCO, utilizing distance-education methods to provide quality education and skills training that will be specifically targeted at disadvantaged groups, including women and the disabled.

101. Many of these planned activities can be carried out through our national staff and with the support of international personnel deployed in neighbouring countries. As they do today, United Nations agencies intend to conduct cross-border operations to deliver essential supplies, implement projects through national staff and with Iraqi contractors and stay in close contact with Iraqi counterparts, including through regular meetings outside the country. Certain other types of activities, such as direct capacity-building support within Iraqi ministries and protection of internally displaced persons and other vulnerable groups, will have to be reinforced once additional international staff are able to return to Iraq.

VII. Observations

102. I recognize that in many areas, including the advancement of basic human rights such as freedom of speech and of political assembly, as well as the provision of basic services and the reconstitution of the local police, very real progress has been made in Iraq in the past few months. This progress should not be underestimated; nor should the efforts of the Coalition Provisional Authority and newly emerging Iraqi institutions be overlooked.

103. At the same time, the dangers posed by insurgents, whose attacks have been growing in sophistication and strength over the past months, are real. The activities of these insurgents, about whose nature more needs to be known, have inflicted serious damage on the United Nations, the diplomatic community, international non-governmental organizations, the International Committee of the Red Cross and Coalition forces, in addition to killing a large number of Iraqis.

104. In order to mitigate the possibility that this insurgency will grow over time, quantitatively and qualitatively, various steps will need to be taken.

105. First and foremost, we need to act on the recognition that the mounting insecurity problem cannot be solved through military means alone. A political solution is required. Such a solution entails making the political transition process more inclusive, so as to bring in additional groups and individuals that have thus far been excluded, or that have excluded themselves. It means truly empowering Iraqi institutions to take the decisions that will shape the political and economic future of their country. And, in order to command widespread support, these institutions need to function effectively and transparently. Political steps of this kind would make it clearer that the foreign occupation of Iraq is to be short-lived — and that it will soon give way to a fully fledged Iraqi Government empowered to implement an Iraqi agenda — hence making it more difficult for insurgents to rally support. Within that context, the announcement in the 15 November agreement setting forth a clear timetable and a precise date for the formation of a sovereign Iraqi Government and the dissolution of the Coalition Provisional Authority is an important step in the right direction.

106. Second, the articulation of a national agenda that is seen to be truly representative of all segments of Iraqi society, and one that respects the independence and territorial integrity of Iraq, requires national reconciliation. The politics of national unity, not of revenge and collective punishment, is what is required. I believe that Iraqis of all persuasions are more than capable of incorporating their regional, ethnic and sectarian identities within their national identity. While this will not be easy, particularly as Iraqis struggle to come to terms with the miseries and abuses of recent decades, I am hopeful that the Iraqi people can meet the challenge. They know that the future of their nation, for generations to come, is at stake.

107. Third, intensified efforts by Coalition forces to demonstrate that they are adhering strictly to international humanitarian law and human rights instruments — even in the face of deliberate and provocative terrorist attacks, sometimes against vulnerable and defenceless civilians — would make it that much more difficult for the insurgents to rally support for their cause. In this connection, the use of lethal force by the Coalition forces — in the context of military responses to threats to Coalition forces, dispersal of demonstrations, raids on homes and confrontations as

well as at checkpoints — should, in accordance with international humanitarian law, be proportionate and discriminating. In this connection, special care needs to be taken to avoid inflicting casualties on innocent Iraqi civilians. Moreover, although they may fall into several different categories (prisoners of war, political detainees, ordinary criminal suspects and those suspected of attacks against Coalition forces), all detainees — of which there are reportedly several thousand — should be protected in accordance with Iraqi law and the Geneva Conventions.

108. More broadly, the establishment of Iraqi capabilities in the areas of monitoring human rights and the promotion and institutionalization of the rule of law should be strongly encouraged, not least through the establishment of an independent national human rights institution and the development of a national human rights action plan. As soon as conditions permit, the United Nations will continue to support these efforts, as indicated in my last report.

109. Fourth, it is essential that all those in the international community who are in a position to support the implementation of an Iraqi agenda should do so, and should be given a chance to do so. None of us can afford to stand on the sidelines. Failure to put the rebuilding of Iraq on a solid footing could have devastating consequences for the people of Iraq, the people of the region and the international order as a whole.

110. In this regard, although I have had to temporarily relocate most United Nations international staff outside the country, the United Nations will not disengage from Iraq. On the contrary, even following the tragic events of 19 August 2003, the United Nations has carried out a massive amount of assistance, in large measure through the skilled and heroic efforts of its Iraqi staff, as well as those international staff who were relocated to Amman, Kuwait and other locations in the region. Furthermore, I have now set in motion the process of assembling in the region a core of UNAMI so that the United Nations can be in a position to move swiftly back to the country if the Iraqi people seek the Organization's assistance, and if circumstances on the ground permit.

111. On the political front, I have been personally engaged with Heads of State and Government and Foreign Ministers around the world, in an effort to help forge an international consensus on the way forward. This consensus, in which Iraq's neighbours and key States in the region and the Islamic world have a key role to play, is essential if we are to bring to bear the full range of international assistance to the people of Iraq in their hour of need. It was in order to help promote such a consensus that I convened a meeting with regional and international actors on 1 December. To the same end, I am considering ways and means of ensuring that we consult closely and continuously with Iraq's neighbours as well as with regional organizations.

112. It goes without saying that, as regards a physical presence inside Iraq, the United Nations will continue to operate under severe constraints in the coming weeks and months. I cannot afford to compromise the security of our international and national staff. In taking the difficult decisions that lie ahead, I shall be asking myself questions such as whether the substance of the role allocated to the United Nations is proportionate to the risks we are being asked to take, whether the political process is fully inclusive and transparent and whether the humanitarian tasks in question are truly life-saving, or not. I shall also, as always, ask what the Iraqis themselves expect of the United Nations, and whether our activities serve the cause

of restoring to them, as soon as possible, full control over their own destiny and resources.

113. Meanwhile, though the context for their deployment will and must change soon, it is likely that Iraq will continue to require assistance, in the form of a substantial military presence, for a number of years to come. The Iraqi people need to be reassured that, if and when a new Iraqi Government requests such assistance on behalf of the Iraqi people, it will be forthcoming, not only from the current contributors to the United States-led Coalition, but from a broad range of other countries as well.

114. In concluding, I would like to state my conviction that the future of a nation of more than 26 million people and of a volatile region is at stake. The process of restoring peace and stability to Iraq cannot be allowed to fail. The consequences for Iraqis themselves, the region and the international community as a whole would be disastrous. Too many Iraqis and representatives of the international community, including deeply respected and gifted United Nations colleagues, have sacrificed their lives. Their sacrifice cannot be allowed to have been in vain.

115. I pay tribute to them for that sacrifice. I extend my deepest sympathies to the families and friends left behind. And I record my abiding gratitude for their contribution. They will never be forgotten.

United Nations S/2003/1150

Security Council

Distr.: General
8 December 2003

Original: English

Letter dated 2 December 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 3 March 2003 (S/2003/264), transmitting a third report from the United Kingdom of Great Britain and Northern Ireland submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of the United Kingdom to the United Nations to set out its preliminary comments. The United Kingdom has been requested to provide a response in the form of a fourth report by 23 February 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

03-64707 (E) 101203

United Nations S/2003/1151

Security Council

Distr.: General
8 December 2003

Original: English

Letter dated 2 December 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 3 March 2003 (S/2003/260), transmitting a third report from Mauritius submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Mauritius to the United Nations to set out its preliminary comments. Mauritius has been requested to provide a response in the form of a fourth report by 23 February 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-64714 (E) 101203

United Nations S/2003/1152

Security Council

Distr.: General
8 December 2003

Original: English

Letter dated 2 December 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 21 April 2003 (S/2003/452), transmitting a third report from India submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of India to the United Nations to set out its preliminary comments. India has been requested to provide a response in the form of a fourth report by 23 February 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-64723 (E) 101203

United Nations S/2003/1153

Security Council

Distr.: General
8 December 2003

Original: English

Letter dated 2 December 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 3 March 2003 (S/2003/277), transmitting a third report from Egypt submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Egypt to the United Nations to set out its preliminary comments. Egypt has been requested to provide a response in the form of a fourth report by 23 February 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-64735 (E) 101203

United Nations S/2003/1154

Security Council

Distr.: General
8 December 2003

Original: English

Letter dated 2 December 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 3 March 2003 (S/2003/261), transmitting a third report from the Czech Republic submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of the Czech Republic to the United Nations to set out its preliminary comments. The Czech Republic has been requested to provide a response in the form of a fourth report by 23 February 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-64741 (E) 101203

United Nations S/2003/1155

Security Council

Distr.: General
8 December 2003

Original: English

Letter dated 2 December 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 21 April 2003 (S/2003/454), transmitting a third report from Croatia submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Croatia to the United Nations to set out its preliminary comments. Croatia has been requested to provide a response in the form of a fourth report by 23 February 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

03-64747 (E) 101203

United Nations S/2003/1156

Security Council

Distr.: General
8 December 2003

Original: English

Letter dated 2 December 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 12 May 2003 (S/2003/526), transmitting a supplementary report from Belgium submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Belgium to the United Nations to set out its preliminary comments. Belgium has been requested to provide a response in the form of a third report by 23 February 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

03-64753 (E) 101203

United Nations S/2003/1157

Security Council

Distr.: General
5 December 2003

Original: English

Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in that country

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1233 (1999) of 6 April 1999, by which the Council requested me to keep it regularly informed and to submit a report every 90 days on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in Guinea-Bissau (UNOGBIS). Subsequently, the Security Council, at its informal consultations on 8 July 2002, requested me to submit a written report every six months.

2. Since my previous report, of 9 June 2003 (S/2003/621), the Security Council has been briefed regularly on the situation in Guinea-Bissau and more frequently since the coup d'état staged by the military on 14 September 2003. On 18 November 2003, during a private meeting on the situation in Guinea-Bissau held by the Council, my Representative in Guinea-Bissau provided a briefing to members of the Council on progress made by the Guinea-Bissau transitional authorities that were established following the events of 14 September. The current report focuses on the ongoing efforts by those authorities to implement the transition and on the contribution of UNOGBIS in that regard.

II. Political developments

3. In my last report I described the critical political and socio-economic conditions in the country, which were contributing to a possible relapse into conflict. Regrettably, it was those conditions which were cited by the military leaders as the reason for their intervention on 14 September 2003.

4. Following the military intervention, and the subsequent agreement signed on 17 September 2003 providing for the resignation of President Koumba Yalá and the return to barracks of the armed forces, a Political Transition Charter was formally agreed upon and signed on 28 September 2003.

5. Since then, as the Charter provided, the Transitional Government, led by a civilian Prime Minister, Artur Sanhá, the National Transitional Council, which fulfils the role of parliament until the legislative elections, and the civilian

03-64153 (E) 111203

Transitional President, Henrique Pereira Rosa, have been sworn in and have begun to carry out their functions. The Charter also envisaged the holding of legislative elections within six months of its signing, that is by the end of March 2004, and presidential elections within one year of the swearing-in of the elected deputies. The priorities of the broad-based Transitional Government include the organization of legislative elections and the payment of long-standing civil service salary arrears.

6. During the critical period leading up to the transition, UNOGBIS and my Representative have provided good offices and advice to all actors in Guinea-Bissau in order to foster dialogue and help to reduce tensions.

7. I am pleased to report on a number of positive steps taken by the transitional authorities towards the implementation of the Transition Charter. To restore legality, the National Transitional Council has approved the appointment of a new Attorney-General, who took office on 27 November 2003. The Council has also approved the reinstatement, as judges of the Supreme Court of Justice, of the President and Vice-President of the Court who had been dismissed and imprisoned without trial by President Yalá. In an equally important move, the Government has announced that elections for the President and Vice-President of the Supreme Court, which many of Guinea-Bissau's partners consider one of the important benchmarks for the success of the transitional process, will be held on 16 December 2003. It is also reported that the leader of the union of the judges and magistrates, ASMAGUI, who had fled abroad in 2001, alleging that she had received death threats, has returned to the country. Under her leadership, ASMAGUI had criticized the violations of the constitution under the previous regime.

8. With regard to the cardinal transitional target of legislative elections, President Rosa, during his recent mission to New York, reaffirmed the intention of the transitional authorities to hold the legislative elections within the six-month period stipulated in the Charter. He recently told my Representative that dates for the elections would be announced soon.

9. The Government is determined to promote transparency and sound financial management, including the establishment of a new system of paying civil service salaries via banking agencies as a way of tackling the problem of ghost workers, and it has paid civil service salaries for October. Among other measures, the National Transitional Council has ordered an audit of the caretaker Government of Mario Pires, the last government under the previous regime, while Prime Minister Sanhá has suggested the possibility of establishing a commission, including representatives of the international community, to oversee the current Government's performance.

10. Another positive development is that the State and independent broadcasting and print media, as well as foreign media organizations present in Guinea-Bissau, are functioning normally, national radio and television reflecting a wider spectrum of political opinion. Because of technical problems, however, Guinea-Bissau television has been off the air since mid-November.

11. The transitional authorities have embarked on a series of contacts with regional and international partners to inform them of developments and engage them in dialogue on possible support for a peaceful and durable transition to democracy. President Rosa has visited neighbouring States and a number of other countries in the subregion and beyond. A delegation of the Community of Portuguese-speaking Countries visited Bissau early in November for talks with the authorities and other

actors. The Government of Portugal has appointed an envoy to support initiatives by the Government of Guinea-Bissau to re-establish working relations with its international partners. China, as part of its cooperation programme, is building a new National Assembly in Bissau.

12. The authorities have also maintained close contact with my Representative in Guinea-Bissau and President Rosa asked me to extend the mandate of UNOGBIS until 31 December 2004 to facilitate dialogue among all actors and to promote national reconciliation during the transition.

13. Security Council members will recall that on 11 November 2003, I proposed (see S/2003/1096), and the Council subsequently approved (see S/2003/1097), the extension of UNOGBIS until 31 December 2004 with a revised mandate to better respond to the changed circumstances on the ground.

III. Military and security aspects

14. Since the coup d'état of September, security patrols along the country's borders have been strengthened. The situation along the border with Senegal remains calm although there are occasional reports of incidents. In August 2003, Guinea-Bissau sent a 650-strong contingent to join the United Nations Mission in Liberia (UNMIL).

15. Internally, there are reported tensions among the army rank and file over the longstanding backlog of salary arrears and poor conditions in the barracks. The Chief of Staff, who is also the President of the National Transitional Council, has however stated that the army remains united. He has held meetings with supporters of the late General Ansumane Mane and with those who identified themselves with former President Nino Vieira, with a view to maintaining the unity of the armed forces, especially in this transitional period. Representatives of the former combatants are demanding, inter alia, a full amnesty, their reinstatement into the army, and a formal agreement witnessed by the United Nations and the international community. UNOGBIS has begun discussions on the implementation of a disarmament action programme with the aim of reducing the number of illegally held small arms.

16. The reintegration phase of the demobilization, reinsertion and reintegration programme is in progress and is scheduled to end in June 2004. The Multi-donor Trust Fund for the programme is currently able to fund only 4,372 beneficiaries, identified as the most vulnerable of a total of 11,300 ex-combatants. That led to a peaceful protest on 20 November 2003 by excluded ex-combatants who were demanding inclusion in the reintegration phase. The World Bank has initiated a partial restructuring of its portfolio to accommodate the financial needs of the programme.

17. Despite the lack of resources and mounting salary arrears, members of the police force are still reporting to work and fulfilling their law and order duties in a manner that has led to a noticeable decrease in the number of cases, especially in the capital. The Transitional Government is including in its plans the establishment of a training centre for police, and the civilian police adviser of UNOGBIS is assisting in the formulation of those plans.

IV. Human rights aspects

18. UNOGBIS has continued to monitor the human rights situation, focusing on civil liberties and dialogue with the authorities. It is currently following the cases of 10 members of the military detained since December 2002 and allegedly accused of plotting a coup d'état, who still await trial. The military tribunal still lacks logistical and financial means to function effectively and expeditiously. The former President, Koumba Yalá, remains under house arrest by order of the military. Six of his close associates, including his sister, have been warned by the military not to engage in activities likely to endanger public order.

19. As part of its efforts to reinforce national capacity in the protection and respect of human rights, UNOGBIS has continued to work with the Inter-Ministerial Committee on Human Rights of Guinea-Bissau to develop the National Human Rights Plan of Action, which was launched in March 2003. The Office has also organized human rights training for the 650 members of the contingent from Guinea-Bissau now serving with UNMIL.

20. With regard to supporting the role of women as part of civil society, the United Nations system has organized seminars to promote the empowerment of women. The cycle of provincial and regional conferences organized by UNOGBIS to encourage women of various political, ethnic and professional backgrounds to participate in the political process within the framework of its reconciliation programme was interrupted by the events of 14 September and will resume in 2004.

V. Economic and social aspects

21. According to the International Monetary Fund (IMF), the transitional authorities found a situation in which revenue collection had almost collapsed, so that government income is currently far below projected levels, while expenditure was not properly controlled or recorded. As a result, the social and economic situation remains of grave concern, threatening to disrupt the current fragile political consensus. The non-payment of salaries for most of 2003 to most of the country's public sector workers, the inability of the majority of children to attend school during the past year, and reports of increased avoidable mortalities because of the Government's failure to pay for basic medicines and medical care continue to feed social tensions. Current official estimates for rates of HIV/AIDS infection are relatively low, at 4.1 per cent, but the national programme against AIDS estimates that unless there is an improved national response there will be a fivefold increase in the HIV infection rate in the next five years.

22. Efforts are under way to assist the transitional authorities to overcome the current crisis, and political and economic entities of the United Nations system are working hand in hand to that end. Working closely with my Representative, the United Nations country team, under the leadership of the Resident Coordinator, has provided support to the new authorities as they set about tackling the enormous social and economic challenges which confront them. IMF, the World Bank and the African Development Bank have sent missions to Bissau in recent weeks to review the situation and to make recommendations, which have received the full support and collaboration of the country team.

23. IMF, working with the World Bank, the African Development Bank and the United Nations Development Programme (UNDP) have provided technical assistance to the Government in drawing up a seven-month emergency economic management plan for the period from December 2003 to June 2004.

24. Although the Government of Guinea-Bissau plans to present its vision and development strategy at the round table conference planned for 2004, there is an immediate need for a bridging mechanism to mobilize and coordinate urgent assistance to Guinea-Bissau. To that end, the World Bank plans to convene an informal meeting of donors in Paris on 16 December 2003. In the meantime, UNDP has established a multi-donor Guinea-Bissau Emergency Economic Management Fund to address the most urgent needs of the population and to establish, within the framework of the budget of the Government of Guinea-Bissau and the staff-monitored programme of IMF, a suitable and coordinated instrument to help fund essential recurrent budgetary expenditure in key sectors required for the Government to function effectively, which could include the salaries of civil servants and technical assistance to key ministries. Those instruments could also help to promote transparency and accountability in the provision of emergency assistance and provide a neutral entity to manage resources made available for emergency support.

VI. Observations

25. I wish to express my gratitude to the subregional leaders and institutions, including in particular the Economic Community of West African States and the Community of Portuguese-speaking Countries, for their constructive role in helping to resolve the crisis peacefully, following the military intervention of 14 September. Promoting stability in Guinea-Bissau is critical for the stability in a subregion beset by so many conflicts.

26. The recent removal of the democratically elected President in Guinea-Bissau, however reprehensible, should not be seen as a single event interrupting an ongoing democratic process, but as the culmination of an untenable situation during which constitutional norms were repeatedly violated. I would like to invite the international community to consider how to deal preventively with post-conflict situations, where governments, although democratically elected, defy constitutional order, flout basic practices of governance and thus become an added source of instability.

27. It is encouraging that the Transitional Government has taken some important steps in the right direction. I call on all actors in Guinea-Bissau to stay the course and to continue working together in search of the right solution to the urgent problems confronting their country.

28. The transitional authorities have appealed to the international community for urgent assistance. It is my hope that at the planned meetings of donors such assistance will be forthcoming. In the meantime, I commend the timely initiative of the United Nations Development Programme in establishing the Emergency Economic Management Fund and I appeal to Guinea-Bissau's partners to consider using this mechanism as a useful framework for channelling urgent assistance to the country.

29. The crucial task in 2004 will be to help Guinea-Bissau to create a propitious political environment for the peaceful conduct of the transition, as it will be nearing its conclusion in 2005, and, in particular, for the holding of credible legislative elections by March 2004. I hope, in this regard, that the international community will remain engaged to help ensure that commitments undertaken are fulfilled.

30. I am encouraged by the work undertaken by the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa of the Security Council, the Ad Hoc Advisory Group on Guinea-Bissau of the Economic and Social Council and the group of Friends of Guinea-Bissau. I also wish to commend the flexibility shown to Guinea-Bissau by the Bretton Woods institutions by their continued engagement in that country. The United Nations system on the ground stands ready to work with them.

31. Finally, I should like to pay tribute to my Representative in Guinea-Bissau, David Stephen, as well as to the staff of UNOGBIS and the United Nations country team for their dedicated contributions to the peaceful resolution of the recent crisis and for their constructive support to the ongoing transition.

United Nations S/2003/1158

Security Council

Distr.: General
2 December 2003

Original: English

Letter dated 2 December 2003 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the situation in Georgia issued on 24 November 2003 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Marcello **Spatafora**
Permanent Representative of Italy
to the United Nations

03-64655 (E) 101203

Annex to the letter dated 2 December 2003 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the situation in Georgia issued on 24 November 2003 by the Presidency on behalf of the European Union

The European Union notes with satisfaction the peaceful outcome to the political crisis in Georgia over the past weekend. The European Union calls on all political actors to continue to show restraint, and to refrain from the use of force in the testing times ahead. Outstanding differences should be settled through dialogue and within the framework of the Constitution.

The European Union looks forward to working with new political leaders in Georgia to ensure that the will of the Georgian people may be freely expressed and translated into tangible political action. The European Union Special Representative, Ambassador Heikki Talvitie, is meeting with all main actors in Tbilisi to discuss the immediate way ahead for Georgia. The European Union renews its commitment to assisting Georgia in overcoming its difficulties.

The European Union attaches the highest importance to the sovereignty and territorial integrity of Georgia. It is important to maintain the unity of the Georgian people in its search for a better future. Positive developments in Georgia may contribute to peace and stability in the whole of the South Caucasus.

The European Union pays tribute to the political courage of former President Shevardnadze, whose behaviour has avoided bloodshed and the division of the Georgian people. He has confirmed his statesmanship, and his long career will be remembered for his lasting service to international peace.

The European Union stands ready, together with others and taking account of the particular role of OSCE, to assist Georgia in the preparation and conduct of the announced elections. It is imperative that these be adequately prepared, free and fair, so as to reflect the will of the people of Georgia.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria, Romania and Turkey and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

United Nations S/2003/1159

Security Council

Distr.: General
8 December 2003

Original: English

Letter dated 5 December 2003 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communication, dated 24 November 2003, which I received from the Secretary-General of the North Atlantic Treaty Organization.

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

03-64675 (E) 101203

Annex

Letter dated 24 November 2003 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

In accordance with Security Council resolution 1088 (1996), I attach the monthly report on SFOR operations for October 2003. I would appreciate your making this report available to the Security Council.

(*Signed*) George **Robertson**

Enclosure

Monthly report to the United Nations on the operations of the Stabilization Force

1. Over the reporting period (1-31 October 2003) there were just over 11,880 troops deployed in Bosnia and Herzegovina and Croatia.

2. On 2 October, command of the Stabilization Force (SFOR) was handed over from Lieutenant General William Ward to Major General Virgil Packett II.

Security

3. The overall situation in Bosnia and Herzegovina remained stable during the period under review.

4. On 1 October, Miloslav Deronjic, who was detained by SFOR forces in July 2003, pleaded guilty before the International Criminal Tribunal for the Former Yugoslavia to one count of persecution for his role in the killing of 60 Muslims in the village of Glogova in 1992. Deronjic offered this plea in exchange for a guarantee from the Prosecution that his family would be protected from reprisals. Deronjic is expected to be sentenced in January 2004.

5. On 8 October, Ranko Cesic became the sixteenth war crimes suspect to plead guilty before the Tribunal. Cesic entered a guilty plea on all 12 counts and the Trial Chamber entered a finding of guilty on all 12 counts. The Prosecution is seeking a sentence of between 13 and 18 years in prison for Cesic, who lived in the northern town of Brcko during the war.[1]

6. On 17 October the Tribunal sentenced Blagoje Simic to 17 years' imprisonment, Miroslav Tadic to eight years, and Simo Zaric to six years for their involvement in the ethnic cleansing of Bosniacs and Croats in Bosanski Samac during the 1992-1995 war.

7. On 28 October, Pedrag Banovic was sentenced to eight years of imprisonment by the Tribunal for his involvement in five murders and numerous beatings that occurred at the Keraterm detention camp in Prijedor in 1992. Banovic was detained by SFOR troops in July 1998 and on 26 June 2003 pleaded guilty to crimes against humanity.

8. On 19 October, Alija Izetbegovic died from heart failure in the Kosevo Hospital in Sarajevo at the age of 78. Izetbegovic was President of Bosnia during the 1992-1995 war and was one of the signatories of the Dayton Peace Agreement. On 22 October, he was buried in Kovaci cemetery in Sarajevo. SFOR reports that a quiet crowd of approximately 100,000 people and 400 VIPs attended the ceremonies; no incidents were reported. As a precaution, SFOR units had been charged with providing security, medical support and crowd control throughout the event.

[1] Ranko Cesic beat and killed civilians at the Luka camp set up by Bosnian Serb forces in May 1992 as part of their campaign of ethnic cleansing. He was arrested in May 2002 and transferred to The Hague, where he initially entered a plea of not guilty in June 2002.

Attacks against SFOR and SFOR operational activities

9. There were no significant acts of violence directed against SFOR personnel over the reporting period.

10. SFOR continues to contribute to the maintenance of a safe and secure environment in Bosnia and Herzegovina and to monitor possible terrorist-related threats throughout the country. SFOR remained engaged with Operation Harvest, framework operations and exercises. SFOR operations focused on launching the Operation Harvest autumn campaign 2003 with a comprehensive information campaign preceding the ground operations in November. In October, new weapons and ammunition caches were found in the area of operations: one cache contained approximately 100 M80 rocket systems, while another large cache containing mortars and other heavy weapons was found with the help of local civilians in the Han Pijesak area. This is an encouraging sign of cooperation with the local citizenry of the Republika Srpska. It is assessed that considerably larger caches exist elsewhere in Bosnia and Herzegovina. Local police, the Republika Srpska Army (VRS) and possibly the Army of the Federation of Bosnia and Herzegovina (VF) will either assist or run their own Harvest operations.

11. Operation Harvest results in the first nine months of 2003 compared to the same period in 2002 show some significant improvements. Recovery of explosives has increased by 145 per cent and of mines by 32 per cent, while small arm findings decreased by 11 per cent. Small increases were noted in the other areas. Overall October 2003 has been a fruitful month in both areas. The weapons turned in or collected from 1 to 31 October within the framework of Operation Harvest included. 1,273 small arms (rifles, pistols and revolvers etc.); 309,385 rounds of ammunition less than 20 mm; 7,701 rounds of ammunition between 20 mm and 76 mm; 78 rounds of ammunition more than 76 mm; 1,880 hand grenades; 103 mines; 4,427 kilograms of explosives; 10,083 other items (mortars and mortar rounds, rifle grenades, handmade ordnance, attack rocket etc).

12. On 14 October, SFOR carried out searches of the offices of the Bosnia and Herzegovina Federation Ministry of the Interior and the Bosnia and Herzegovina Federation Intelligence Service. SFOR stated that the employees in both offices cooperated fully.

13. On 15 October, SFOR launched a large-scale theatre-wide operation to support approximately 100 representatives of the Tribunal searching for evidence to help prosecute persons indicted for war crimes currently held in the Detention Unit. During the day, 11 target locations were searched and the examination of secondary targets began in the evening. SFOR reported that they received good cooperation from authorities throughout the day.

14. The largest threats to Bosnia and Herzegovina are organized crime, corruption and smuggling. Again, in October, numerous activities of gangs and parallel structures were observed in Trebinje and Bihac. The local authorities and the international community were assisted, where appropriate, by SFOR in their efforts to combat the activities of these criminal enterprises. Drug-trafficking continues with routes from Albania, Kosovo and Montenegro through Bosnia and Croatia. Owing to the large uncontrolled number of tracks and border crossing points between the Republika Srpska and Montenegro, and also to some corruption within local police and the State Border Service, effective border surveillance is difficult.

Besides smuggling, illegal logging remains a significant issue throughout Bosnia and Herzegovina and is assessed to withdraw large sums of money from the legal economy.

Cooperation and compliance by the parties

15. On 16 October, the President of the Republika Srpska, Dragan Cavic, stated that its Government would form a commission to investigate the events in Srebrenica in 1995. The commission will be established within the six-month deadline set by Lord Ashdown.

16. The Deputy Commander of SFOR chaired a meeting with the Chiefs of Defence of the Armed Forces of Bosnia and Herzegovina on 20 October. He reminded the group of the processes of defence reform (and specifically the Defence Review Commission report) and the link to membership in the Partnership for Peace. He then outlined the operational and administrative chains of command that will run via the State and entity Ministries of Defence. VF stated that it was about to actively engage with its Ministry of Defence in discussions on how to take the implementation forward. The points of discussion were:

- Command structure (general officer positions)
- Size and titles of units
- Employment and structure of reserves: it was agreed that their command status should be through the administrative command until mobilization and then through the operational command; currently, the Defence Review Commission paper allows for up to 60,000 reserves (40,000 for VF and 20,000 for VRS)
- Locations of units and associated real estate
- Doctrine
- Training requirements and delivery
- Weapons systems and ammunition types.

17. During the reporting period, the Entity Armed Forces have carried out normal training activities, in compliance with the military provisions of the Dayton Peace Agreement. In October 2003, there were no reports of missing weapons from weapons storage sites.

18. There were a total of 132 Entity Armed Forces training and operation activities (75 VRS and 57 VF) during the reporting period and 392 movements (298 VRS and 94 VF) conducted during the reporting period. A total of 501 Entity Armed Forces mine-clearing activities were monitored during the reporting period. SFOR conducted a total of 79 inspections of weapons storage sites during the reporting period (32 VRS, 8 VF-B, 24 VF-H, 15 VF). No VRS weapons storage sites were closed this month.

Cooperation with international organizations

19. Within capabilities and in accordance with its mandate, SFOR continues to provide assistance to the international organizations working in theatre.

Outlook

20. In October, SFOR continued to contribute to a safe and secure environment in Bosnia and Herzegovina, and experienced another productive month for its weapons collection efforts. The Operation Harvest autumn campaign 2003 will build on the success of recent months and entity police forces both in Republika Srpska and the Federation seem eager to coordinate their efforts with SFOR. Cooperation between SFOR and VRS can also be seen in their combined effort to destroy redundant and unstable ammunition in VRS storage sites. These developments, together with the announcement by the Republika Srpska that it will establish a commission to investigate the Srebrenica massacre, suggest that progress is being made towards a more safe and secure environment in Bosnia and Herzegovina and that politicians are serious in their aspirations to integrate Bosnia and Herzegovina into Euro-Atlantic structures.

United Nations S/2003/1160

Security Council

Distr.: General
9 December 2003

Original: English

Letter dated 4 December 2003 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

In paragraph 63 of the report of the Secretary-General on children and armed conflict (A/58/546-S/2003/1053), it is reported:

> "The Uganda People's Defence Forces (UPDF) and its allied Local Defence Units (LDUs) recruit and use children. UPDF has also recruited children who have escaped or been rescued from LRA. In a UNICEF/Office for the Coordination of Humanitarian Affairs screening, 120 recruits in the UPDF Lugore military training camp were reported to be children under the age of 18, some of whom had been demobilized."

The report also lists in annex II the Uganda People's Defence Forces and local defence units allied to UPDF as parties to armed conflict that recruit or use children in armed conflict.

We would like to bring it to your attention that what is stated in paragraph 63 and annex II as outlined above is absolutely not true. It is Uganda policy, which is well known even to UNICEF, not to recruit anyone under 18 years of age into Uganda armed forces including Local Defence Units. If people sneak into recruitment because of lack of proof of age like birth certificates, and they are found out, they are thrown out. For example, this was done in conjunction with UNICEF in August this year at Lugore training camp in Gulu where LDUs were being recruited.

It is a fact that the Special Representative of the Secretary-General for Children and Armed Conflict has never visited Uganda despite numerous invitations by the Government of Uganda to do so. The children in northern Uganda, where he hails from, have been abducted, sexually abused and killed by the vicious terrorist group known as the Lord's Resistance Army (LRA). Yet despite these widely publicized atrocities, for reasons best known to himself, the Special Representative has not been moved to visit northern Uganda. It is unfortunate that he has chosen to rely on second-hand information which turns out to be false and based on hearsay.

I should be grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) Francis K. **Butagira**
Permanent Representative

03-64729 (E) 091203

United Nations S/2003/1161

Security Council

Distr.: General
9 December 2003

Original: English

Fourteenth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999), in which the Council requested me to report every four months on the compliance by Iraq with its obligations regarding the repatriation and return of all Kuwaiti and third-country nationals, or their remains, and every six months on the return of all Kuwaiti property, including archives, seized by Iraq. The present report covers both issues. The report also provides a retrospective view on the developments relevant to the mission of the High-level Coordinator since it was established nearly four years ago.

2. It will be recalled that in my thirteenth report (S/2003/813) I called on the Security Council to consider bringing the Coordinator's mandate to a close when the next report was submitted in December. I noted the ongoing progress on the issue and strongly encouraged continuing collaboration between Iraq and Kuwait within the framework of the Tripartite Commission and the International Committee of the Red Cross (ICRC). Introducing that report to the Security Council on 26 August, the Coordinator, Ambassador Yuli Vorontsov, stressed that those efforts were set to intensify with the assistance of the Coalition Provisional Authority and the Iraqi Governing Council.

3. In their interventions, members of the Council stressed that although the Coordinator's mandate could be brought to a close by the end of the year, the search for those whose whereabouts were still unknown, as well as for the remains of the missing persons, should continue until all files were closed. Security Council members also noted that the efforts to shed light on the fate of the missing people should be intensified in the remaining months. Ambassador Vorontsov welcomed the commitment expressed by the United States of America and the United Kingdom of Great Britain and Northern Ireland to the search for and repatriation of all Kuwaiti and third-country nationals, or the identification and return of their remains, in cooperation with Kuwait, the Iraqi authorities, the Tripartite Commission and ICRC.

4. A member of the Security Council stated that the Council should decide on the future of the Coordinator's mandate after the submission of the Secretary-General's report in December 2003. It also intended to consult the Kuwaiti side on the issue.

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5. In a statement to the press, the President of the Security Council observed that members of the Security Council had taken note of the recommendation that the next report of the Secretary-General, due in December, should be the last one. They expressed the hope that all outstanding issues could be resolved by that time.

II. Overview of the High-level Coordinator's mission

6. On 14 February 2000, I appointed Ambassador Yuli Vorontsov of the Russian Federation as the High-level Coordinator, pursuant to paragraph 14 of resolution 1284 (1999). In addition to resolution 1284 (1999), the provisions of Security Council resolutions most relevant to the issue of Kuwaiti and third-country nationals and Kuwaiti property could be found at the time of Mr. Vorontsov's appointment in resolutions 686 (1991), 687 (1991) and 706 (1991). The panel on prisoners of war and Kuwaiti property, established under the Chairmanship of Ambassador Celso L. N. Amorim of Brazil, made a valuable inventory of those resolutions in March 1999. The Coordinator was guided by the panel's recommendations, especially at the initial stage of his work.

7. Pursuant to those resolutions, Iraq was required, among other things, to release immediately, under the auspices of ICRC, all Kuwaiti and third-country nationals detained by Iraq, or return their remains, and to extend all necessary cooperation to ICRC. Those Iraqi obligations were reiterated in resolution 1284 (1999), in which the then Government of Iraq was called upon to resume cooperation with the Tripartite Commission and its Technical Subcommittee.

8. In view of the above, the ultimate objective of the Coordinator was to assist in closing the largest possible number of files on Kuwaiti and third-country nationals and to coordinate the return of Kuwaiti property. At the beginning of 2000, there was an expectation that those persons could be located and repatriated. When the Coordinator embarked on his mission, there were hopes that they, or some of them, were still alive, although held in captivity or still hiding somewhere in Iraq.

9. Given the nature of his mandate and the sensitivity of the matters involved, the High-level Coordinator did not himself engage in investigations regarding Kuwaiti prisoners of war and missing persons or transfers of property by Iraq to Kuwait. Rather, throughout the mission, he coordinated and encouraged the efforts of all parties concerned, serving as a focal point for these questions. Ambassador Vorontsov kept the international community informed of developments through reports to the Security Council.

10. It should be recalled that the Riyadh Agreement of 12 April 1991, signed by the representatives of France, Iraq, Kuwait, Saudi Arabia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, assigned the task of ascertaining the fate of military personnel and civilians missing after the Gulf War to the Tripartite Commission, assisted by its Technical Subcommittee. While the Coordinator worked independently of the Tripartite Commission, he maintained an effective relationship with that body. He did not attend the meetings of the Tripartite Commission or its Technical Subcommittee, but he was present on the sidelines of many of those meetings.

11. Pursuant to his mandate and in order to maintain working contacts with all the parties involved with the issues of the repatriation and return of all Kuwaiti and

third-country nationals, or their remains, and the return of all Kuwaiti property, the Coordinator visited Bahrain, Egypt, France, Germany, Iraq, Italy, Jordan, Kuwait, Oman, Saudi Arabia and the United Kingdom. He had meetings with high-level officials of these and other countries on the sidelines of the Millennium Summit and the general debates in the General Assembly. He discussed the issues relevant to his mandate with senior officials of the Islamic Republic of Iran, the Russian Federation and the Holy See. Ambassador Vorontsov had a series of meetings with the United States representatives in Washington, D.C., and New York to discuss the issues and coordinate the search for missing persons.

12. The Coordinator regularly briefed the Security Council. He met with representatives of ICRC, and was mindful of the need to respect its independence. The Coordinator conducted frequent consultations with the leadership and representatives of the League of Arab States and the Organization of the Islamic Conference. He contacted officials of the Movement of Non-Aligned Countries and the European Union. He was in contact with the Special Rapporteur of the Commission on Human Rights, the Chairman of the Security Council Committee established by resolution 661 (1990) and the Executive Secretary of the United Nations Compensation Commission. The Coordinator also had a meeting regarding his mission with the late Sergio Vieira de Mello, Special Representative of the Secretary-General for Iraq.

13. From the very beginning of his mission, Ambassador Vorontsov stated his readiness to meet with the Iraqi officials at any time and any place. In view of its attitude towards resolution 1284 (1999), however, Iraq refused to cooperate with the Coordinator until July 2002, when the then Foreign Minister of Iraq met with the Coordinator for the first time. Ambassador Vorontsov travelled to Iraq in January 2003. A full account of his trip is provided in my eleventh report (S/2003/419).

14. At meetings at Headquarters, or during official missions, including in international forums, I drew attention to the unresolved issues of Kuwaiti prisoners of war and missing persons and properties. In my contacts with Iraqi representatives, I encouraged them to adopt a constructive position on the issue of missing persons and properties, including the national archives, and to cooperate with the Coordinator.

15. I have submitted 14 reports to the Security Council pursuant to paragraph 14 of resolution 1284 (1999), including the present one. Six reports (S/2000/347 and Corr.1, S/2001/796, S/2002/419, S/2002/931, S/2003/419, S/2003/813) dealt with the issue of the Iraqi obligations regarding the repatriation and return of all Kuwaiti and third-country nationals or their remains. Four reports (S/2000/575, S/2001/582, S/2002/664, S/2003/614) addressed the question of the return by Iraq of all Kuwaiti property. Four reports dealt with both issues (S/2000/1197, S/2001/1196, S/2002/1349, S/2003/1161).

III. Repatriation and return of all Kuwaiti and third-country nationals or their remains

16. The humanitarian character of the issue of prisoners of war and missing persons was recognized by the international community from the very beginning. Iraq was urged to repatriate to Kuwait the missing persons who were still alive or to recover their mortal remains for return to the families. The Coordinator repeatedly

called on the then Iraqi authorities to show understanding and goodwill so that the pending files could be closed and the suffering of the families of the missing people could come to an end as soon as possible.

17. Statements to the press by the President of the Security Council conveyed the Council's hope that the question would be dealt with as a strictly humanitarian one and that concrete and substantive progress on the matter could be attained. The Council consistently called upon the Government of Iraq to cooperate fully with the Coordinator.

18. The appeals and endeavours on the part of all parties concerned, both States and international organizations, were aimed at persuading Iraq to disclose the fate of Kuwaitis and third-country nationals not accounted for since the Gulf War, and to facilitate their repatriation or the return of their remains. The League of Arab States, the Organization of the Islamic Conference, the Non-Aligned Movement, the European Union and the Gulf Cooperation Council repeatedly called on Iraq to change its stance of non-cooperation.

19. At the time when the Coordinator's mission began, the then Iraqi regime argued that it had returned all Kuwaiti prisoners of war and did not have detainees in its territory. It was willing to recognize the problem only as one of missing persons. Iraq maintained that it continued to search and enquire for missing persons of all nationalities, including Kuwaitis. Iraq admitted to having detained 126 people in Basra in 1990, but claimed to have no knowledge of their whereabouts after the unrest in Iraq's southern governorates in March 1991. The Iraqi officials alleged that the detainees in question might have escaped during the riots and that all documents that could have provided a basis for the search were destroyed or lost. This position was upheld by Saddam Hussein's regime until its demise in April 2003.

20. Moreover, at the end of 1998, Iraq decided to discontinue its participation in the work of the Tripartite Commission and its Technical Subcommittee. When Iraq resumed participation in the Technical Subcommittee (after the quorum rule of the Technical Subcommittee was suspended) in January 2003, it did not provide any new information on the fate of the Kuwaiti and third-country nationals, be they prisoners of war, civilian detainees or missing persons. Reportedly, the Iraqi delegation to the Technical Subcommittee avoided giving an adequate account of what had happened to them. The only progress made during those meetings was on the Iraqi cases submitted by Kuwait.

21. It should be noted that Iraq had claimed that 1,137 of its own people were missing after the Gulf War. It asserted that many had been killed and buried in Kuwait, including in the reported mass graves in the demilitarized zone. While not indifferent to the plight of Iraqis unaccounted for, the Coordinator noted that this issue was not within his mandate pursuant to resolution 1284 (1999). He was told by Kuwaiti officials in March 2002 that, although they did not consider themselves legally responsible for the missing Iraqis while Kuwait was under occupation, they had investigated those files.

22. In his contacts with the Iraqi authorities, the Coordinator raised, at the request of the United States, the case of Captain Michael Speicher, the United States Navy pilot who went missing during Operation Desert Storm in January 1991. The issue has been addressed at the meetings of the Tripartite Commission. The Coordinator

hopes that efforts to determine Captain Speicher's fate and whereabouts will continue.

23. When, after the fall of Saddam Hussein's regime, the first mass graves in Iraq containing the remains of Kuwaiti prisoners of war were discovered (see S/2003/813, paras. 9-12), the scale of the atrocities committed by the previous Iraqi regime began to emerge.

24. During his visits to Kuwait in August and November 2003, the Coordinator was informed by his interlocutors in the Foreign Ministry and the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs that, after the end of military operations by the Coalition forces, Kuwaiti search teams and technical experts had visited Iraq where, with the authorization of the Technical Subcommittee, they had searched for evidence to determine the presence of the mortal remains of Kuwaiti and third-country nationals in the graves.

25. The Coordinator was informed that the Iraqi delegation showed a new attitude at the meetings of the Technical Subcommittee. It provided information about new sites that might contain the remains of Kuwaiti detainees and displayed its sincerity in trying to bring the issue to a close. Ordinary Iraqis also helped to find the exact location of graves.

26. The official procedure for the exhumation and identification of mortal remains was adopted at the 25th meeting of the Tripartite Commission held on 1 June 2003 in Baghdad. Kuwait is cognizant of the reality that the graves in Iraq also contain the remains of Iraqis killed by Saddam Hussein's regime. Special techniques and procedures ensure that the full exhumation of bodies is done only after the analysis of the samples has confirmed that the bodies are those of Kuwaiti detainees and third-country nationals who were listed as missing in Kuwait. The Kuwaiti side expressed gratitude to the Authority for the assistance in search-and-identification operations conducted in Iraq.

27. It will be recalled that the United States, in informal consultations of the Security Council held on 16 June 2003, informed Council members, as well as the Coordinator, that it had established a special group on the ground to search for Kuwaiti and third-country nationals missing since the Gulf War.

28. On 8 June, the Kuwaiti authorities confirmed the identity of the remains of one Kuwaiti found in the mass grave at Samawa. The DNA analysis represented the first forensic evidence regarding a missing Kuwaiti prisoner of war. The remains of a second Kuwaiti were identified on 14 June. On 2 July, the Coordinator was informed that the remains of a third Kuwaiti had been identified through DNA testing.

29. In a statement to the press dated 26 August, the President of the Security Council noted that its members strongly condemned the grave violation of human rights and the killing of Kuwaiti and third-country nationals by the former regime of Iraq, in disregard of the provisions of international humanitarian law. The League of Arab States, the Organization of the Islamic Conference and the Non-Aligned Movement, at their ministerial meetings held in September 2003, condemned the flagrant violation of human rights and international law perpetrated by the former Iraqi regime against its own people, nationals of Kuwait and third countries. They stressed that the perpetrators of those crimes should be brought to justice.

30. In a letter dated 27 October 2003, the Chargé d'affaires of the Permanent Mission of Kuwait to the United Nations informed the Coordinator that the total number of remains of Kuwaiti and third-country nationals which had so far been identified was 45. The names are listed in annex I, where it is noted that some remains were those of citizens of Egypt, Lebanon and Saudi Arabia.

31. During his visit to the General Department of Criminal Evidence in Kuwait in November 2003, the Coordinator was given a tour of the laboratory which examines samples taken from the remains to determine identities and performs DNA testing. The files were considered closed after certification by the Department.

32. The Coordinator was shown a video about the exhumations at the graves discovered in Iraq. He was told by the officials in the laboratory, and also learned from other Kuwaiti interlocutors, that three graves had so far been found. One was located to the south of the city of Samawa; another was not far from Karbala; and the third one was also in southern Iraq. The exhumation work at the site near Samawa, which was the first one to be located, has been completed. It is expected to bring to a close some 150 cases. The work at Karbala is ongoing. Of 45 sets of remains, 42 came from Samawa and 3 from locations near Karbala.

33. The Kuwaiti side has learned that, in addition to the 150 persons whose remains were found near Samawa, approximately 300 persons had been sent to Basra by the then Iraqi regime. In Basra, they were split into groups of 20 to be sent to different Iraqi governorates. Apparently, the site at Karbala was one of those destinations. The Coordinator was also given photographs (annex II) of search, soil removal, clean-up and exhumation procedures at Samawa and Karbala. They clearly show the human remains with bullet-entry marks in the skulls, as well as empty cartridges and the tracks of truck tyres. The Coordinator was informed that the people whose mortal remains were identified had been killed in 1991-1992.

34. More and more Kuwaitis are now resigned to the belief that all the Kuwaitis who were listed as missing are probably dead. According to an AFP report dated 25 October, which quoted Kuwaiti sources, the remains of one Egyptian and 10 Kuwaiti prisoners found in a mass grave in Iraq were buried in Kuwait on that day.

35. Nevertheless, when, on 4 November, the Coordinator met in Kuwait with the representatives of the Association of the Families of Kuwaiti Prisoners and Detainees led by its Chairman, Abdullah al-Faji, they expressed hope that some of the missing were still alive. They urged the United Nations and the Coordinator to continue their work in disclosing the fate of Kuwaiti and third-country nationals.

36. The Coordinator is aware that claims of individuals detained in Iraq may be filed within one year of the detainee's release or death, as legally determined by the detainee's Government. There are also provisions for compensation for the families of missing persons. On 4 November 2003, the Coordinator had a meeting with Adel Omar Asem, the Deputy Chairman of the Public Authority for Assessment of Compensation for Damages Resulting from Iraqi Aggression. He was told that Kuwait had not submitted to the United Nations Compensation Commission claims with regard to 605 people whose files had been closed, pending a decision of the Governing Council of the Commission, on whether those issues can be addressed on a case-by-case basis and whether the definition of those to whom compensation should be paid can be modified. The Coordinator hopes that these questions may be resolved soon. He understands from the Executive Secretary of the Commission that

the related issues are on the agenda of the fiftieth session of the Governing Council, which is to be held at Geneva from 16 to 19 December 2003.

IV. Return of Kuwaiti property seized by Iraq

37. In June 2000, in my second report (S/2000/575), which dealt with the issue of Kuwaiti property, I noted that Iraq had returned a substantial quantity of property over a nine-year period. The bulk of the returns occurred between 1991 and 1994. However, there remained many more items which Iraq was under obligation to return to Kuwait. Those items were referred to in documents S/1994/243/Add.1, S/1994/1126 and S/1996/1042 and are also described in the annexes to documents S/2000/575 and S/2000/1197.

38. Among the items stolen by the then Iraqi regime during the invasion of 1990-1991, Kuwait has considered essential the return of archives, military equipment and the items from the Islamic and National Museums. Particular importance has been given to the issue of the return of the national archives, which belonged to the offices of the Amiri Diwan, the Ministry of Foreign Affairs, the Prime Minister and other government ministries and institutions.

39. In accordance with the relevant provisions of international law, Iraq was obliged to identify and return Kuwait's property. The international community urged Iraq to fulfil its obligations. The Security Council recognized the importance of this issue and, on more than one occasion, called on Iraq to return the stolen items as well as cooperate fully with the Coordinator. Members of the Security Council emphasized the urgency and importance of the return of the country's historical and cultural heritage, including Kuwaiti archives which represented the memory of the country. Similar appeals were addressed to Iraq by the League of Arab States, including at its fourteenth summit held in Beirut in March 2002, the Organization of the Islamic Conference, the Non-Aligned Movement, the Gulf Cooperation Council and the European Parliament.

40. Throughout the entire period of the Coordinator's mission, the then Government of Iraq maintained that it had already returned a large part of the Kuwaiti property and pledged to hand over to Kuwait any item that might still be found. In January 2003, the Coordinator was informed in Baghdad by Iraqi officials that they were searching for Kuwaiti documents and that Iraq had no incentive to keep such documents. Iraq also affirmed that the issue of property should be addressed under Security Council resolution 687 (1991). It asserted that persons whose property was not returned could file compensation claims with the United Nations Compensation Commission.

41. The Coordinator was aware of the conclusions made by the Amorim panel that the Compensation Commission could address only the issue of those replaceable items that were claimed to have been lost while in Iraqi possession. The Commission, however, was not empowered to compel the return of irreplaceable objects and other tangible properties stolen by Iraq, since it had been established for the purpose of awarding monetary compensation for losses and had no mechanism for requiring or enforcing specific performance. Furthermore, the Commission could not recommend compensation if there was no claim for such compensation.

42. In May 2002, I was informed by the Secretary-General of the League of Arab States of Iraq's decision to return, as it claimed, nearly 90 per cent of the Kuwaiti national archives. Members of the Security Council welcomed this news. In fact, Iraq's offer was the acknowledgement by the Government of Iraq that it did possess Kuwait's national archives. On 31 May, I proposed to Kuwait and Iraq the re-establishment of the mechanism previously used for the return of property (see S/2002/664, para. 29). Both Governments concurred with my suggestion. Iraq insisted that the mechanism include the participation of the League of Arab States.

43. The actual transfer of documents and files gathered by Iraq took place at Camp Abdally Kuwait, from 20 to 29 October 2002. The United Nations team, led by Assistant Secretary-General J. Richard Foran, arranged the transfer operation while representatives of the League of Arab States witnessed it. At no time were the documents in the custody of the United Nations. Its role did not include any inspection of the documents. While the Kuwaiti delegation did not inspect the documents and files on site, it asserted its right to examine them thoroughly after their transfer and to provide any comments within 60 days.

44. In a letter to me dated 8 November 2002, the then Minister for Foreign Affairs of Iraq referred to the completed operation at Camp Abdally as the handover of the Kuwaiti archives. However, the First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, in a communication to me dated 20 November, noted that "from the preliminary scrutiny of the documents made by the agencies concerned, and despite the fact that they include files belonging to the Ministry of Foreign Affairs and the Office of the Amir, it has become evident that they are of a routine character and do not in any way amount to what can be considered State archives". Subsequently, Kuwait confirmed that the documents returned consisted of routine papers and correspondence between State ministries, as well as application forms.

45. On 18 December 2002, the members of the Security Council noted the return of documents previously removed from Kuwait. They agreed that Kuwait was uniquely positioned to ascertain whether Iraq had returned all documents, including national archives. Only Kuwait had the right to render judgement on the authenticity and significance of the documents it received.

46. On 22 December 2002 and 3 February 2003, Iraq, in an operation facilitated by UNIKOM, returned some small items of Kuwaiti property (see S/2003/614, annexes I and II) found in its territory since 1997. The transfer, arranged in February 2003, was the last before the outbreak of hostilities in March 2003.

47. It is important to note that while the previous Iraqi regime returned to Kuwait some documents and properties which were deemed stolen at the time when the Coordinator began his mission, the Kuwaiti archives — a priority for the country — along with military equipment seized by Iraq, remain largely unreturned.

48. During informal consultations of the Security Council on 16 June, members of the Council reiterated their support for the Coordinator in facilitating the return of Kuwaiti property and military equipment. Some pointed out that the previous Government of Iraq had cooperated only "symbolically" on procedural issues. The Coordinator was aware that the special group established by the United States and referred to in paragraph 27 of the present report is also entrusted with searching for the stolen Kuwaiti archives.

49. In another development, the Coordinator was requested by the Kuwaiti authorities, in June 2003, to look into the matter of spare parts belonging to the Kuwait Airways Corporation, stolen from Kuwait in 1990-1991 by the then Iraqi regime. The parts had reportedly been found on board two aircraft (Boeing 747) of Iraqi Airways Corporation, parked in Tozeur, Tunisia.

50. On 2 July 2003, the Coordinator had a conversation with the Permanent Representative of Tunisia to the United Nations, who confirmed that two Iraqi aircraft were indeed on Tunisia's territory. He also stressed that Tunisia had no interest in keeping the two aircraft. Subsequently, in a letter dated 14 July addressed to the Coordinator, the Permanent Representative of Tunisia stated that his country was ready to receive an expert from Boeing Company to verify the contents of the Iraqi aircraft stationed in Tunisia.

51. On 26 August, in a letter to the Chairman of the Security Council Committee established by resolution 661 (1990), the Government of Tunisia stressed that the above mentioned aircraft, and two others parked in Tunisian territory, remained at the disposal of the United Nations and under their responsibility. It noted that the Security Council and the Committee established by resolution 661 (1990) must decide on their disposal in a manner they deemed appropriate, including their possible sale. The Government of Tunisia stressed that the Tunisian agencies were incurring high costs from the presence of the aircraft.

52. On 28 October 2003, the Coordinator wrote to the Chairman of the Security Council Committee established by resolution 661 (1990), requesting him to look into the matter of the stolen Kuwaiti spare parts so that they could be promptly returned to the legitimate owner. While in Kuwait, he met, on 4 November, with Sheikh Talal Moubarak al-Sabah, Director General of Kuwaiti Airways, and called for a bilateral resolution of this issue, namely between Kuwait and Tunisia. He expressed the view that the inclusion of representatives of Iraq would be helpful in resolving the issue, noting that the aircraft belonged to Iraq.

53. The Coordinator is aware that, in a letter dated 30 October 2003 addressed to the Permanent Representative of Tunisia, the Chairman of the Security Council Committee established by resolution 661 (1990), referring to the instructions given by the members of the Committee, requested the Tunisian authorities to liaise directly with the relevant authorities in Kuwait in order to resolve the issue amicably.

V. Conclusions and observations

54. After many years of manoeuvring and denial by the previous Government of Iraq, a grim truth is unveiling itself. The discovery of mass graves in Iraq containing the mortal remains of Kuwaitis is a gruesome and devastating development. I wish to extend my heartfelt condolences to the families of those persons and to the State of Kuwait.

55. While hope has not faded that some of the 605 persons in question will be found alive, the prospects for this to happen are diminishing. There may also be cases of individuals whose fate will remain unknown for many years to come, if it is ever to emerge.

56. I strongly condemn the killing of Kuwaiti and third-country nationals by the previous Iraqi regime. The removal from Kuwait of civilians — men and women — their execution in cold blood in remote sites in Iraq, and a decade-long cover-up of

the truth constitute a grave violation of human rights and international humanitarian law. Those responsible for these horrendous crimes, particularly those who ordered the executions, must be brought to justice.

57. I regret that the Kuwaiti archives and Kuwaiti military equipment have not been returned to the country. I trust that the Iraqi Governing Council, the Coalition Provisional Authority and the special group established by the United States will maintain their commitment to the search and return of Kuwaiti property and archives.

58. The fall of Saddam Hussein's regime and the opening of avenues for direct contact between the parties concerned inspired hopes for an early resolution of all outstanding questions. Progress has been achieved, and I am grateful for the support extended to the High-level Coordinator by the Security Council, the League of Arab States, the Organization of the Islamic Conference and all those who have assisted in resolving Kuwait's long-standing humanitarian concerns. I value the trust Kuwait and its people have put in the efforts of Ambassador Vorontsov.

59. The overview contained in this report has shown that there is room for further progress towards a satisfactory solution of the remaining humanitarian concerns of the State and people of Kuwait. More time will be needed and more efforts required before the questions of concern to Kuwait can be settled.

60. Members of the Security Council are in receipt of a letter from the Minister for Foreign Affairs of Kuwait dated 24 November 2003, in which the Government of Kuwait strongly encouraged the United Nations to pursue and resolve the issues of the Kuwaiti prisoners and third-country nationals, as well as Kuwaiti properties. The Minister stressed in the letter that, given the fact that not all files relating to those two issues have been completely closed, Kuwait would be in favour of extending the mandate of the High-level Coordinator, Ambassador Vorontsov, in accordance with paragraph 14 of resolution 1284 (1999).

61. In my previous report (S/2003/813), I suggested that the Security Council consider bringing the Coordinator's mandate to a close. In view of the above-mentioned request by the Government of Kuwait and of the overview contained in this report, the Council will have to determine whether it would wish the mandate outlined in paragraph 14 of resolution 1284 (1999) to continue.

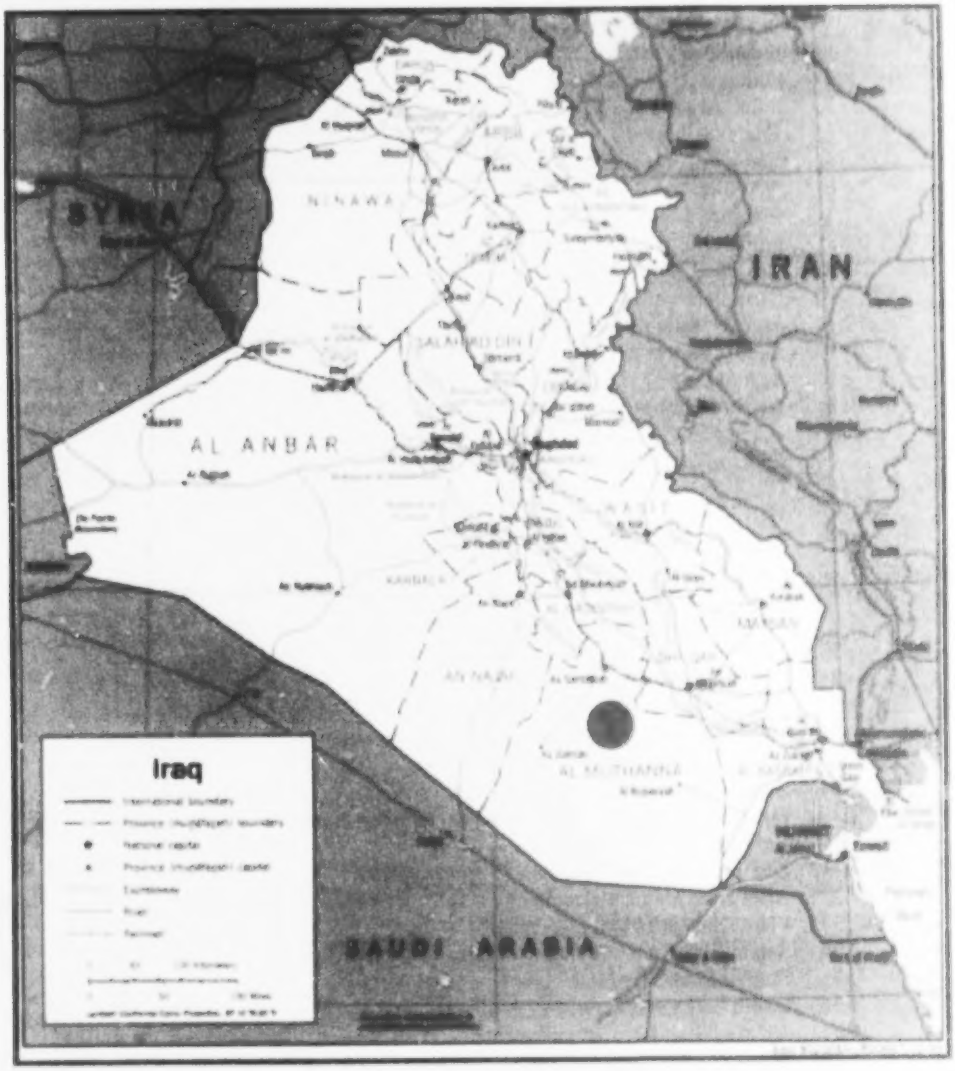
Annex I

Names of Kuwaitis and third-country nationals whose remains have been identified

1. Saad Meshal al-Enezi
2. Ahmed Abdullah al-Ghallaf
3. Saleh Ali al-Hayani
4. Enam al-Edan
5. Naser al-Enezi
6. Abdullatif al-Waheb
7. Mahmoud Sayed Reda
8. Faihan Mohammad al-Mutairi
9. Nasser Sherif al-Kaldi
10. Daad Omar al-Hariri (Lebanese)
11. Jassem Hamid Abdallah al-Samak
12. Ibjad Alous al-Mutairi
13. Lafi Faihan Mohammad Laili al-Mutairi
14. Abdul Rahman Saad Marzook al-Otati
15. Mohammed Ghazi Saad Ali al-Mutari
16. Farhan Harbi Sakid al-Ghafiri
17. Obaid Falah Husaini al-Mutari
18. Hamad Mohammad al-Ajami
19. Taleb Amin Jassem Saleh
20. Fahd Sulayman Aswad al-Enezi
21. Fahd Akil Rakan al-Zufayri (Saudi citizen residing in Kuwait)
22. Misfir Mehana Misfir al-Sharifa al-Hayari
23. Nasser Ayed Duhayran al-Oteibi
24. Mohammad Nasser Sharid al-Ajami
25. Assal Turki Kusayman al-Ajami
26. Abdallah Sulayman Abdallah al-Amir
27. Abdulaziz Yussef Abdulaziz Alyamani
28. Amer Deydan Ali al-Ajami
29. Sobhi Khalil Nousouhi Haydar (Lebanese)
30. Raja Hamud Saleh al-Sahli
31. Khaled Saleh Abdulrahman al-Tuwaygeri
32. Adel Fahd Hama al-Hamad
33. Fahd Khalifa Jadlan al-Marikhi
34. Salem Ebeid Abdallah al-Mutayri
35. Shojah Madi al-Ajami
36. Habib Saleh al-Zaqah
37. Ali Abdallah Ali al-Duwaysan
38. Maayuf Jaber Sahud al-Harbi
39. Yacub Yussef Bader al-Ustaz
40. Mansour Tulayhan Samar al-Mutayri
41. Hamdi Humaydi Ghazi al-Otaibi
42. Mohsen Mohammad Mohsen al-Ajami
43. Rajeh Zeyab Bedah Nahar al-Mutayri
44. Mansour Faleh Nasser al-Sakeb
45. Ahmad Mahmoud al-Hattab (Egyptian)

Annex II

Photographs of mass graves found in southern Iraq

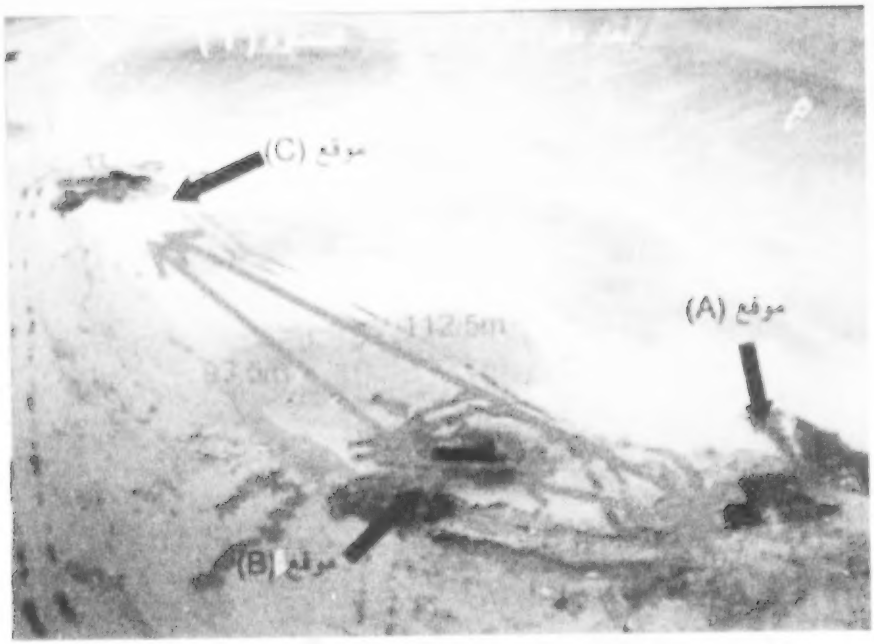


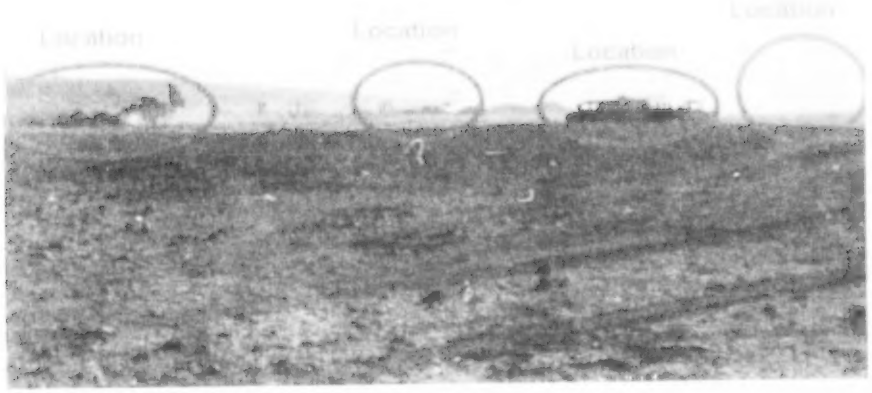
Mass graves found in Faithat Azayer area

RMU 7479098238 38

Longitude: 30° 43'06 N

Latitude: 44° 44'03 E





Locations of mass graves

Technical process for finding remains

Location (A)

The remains after clean-up process

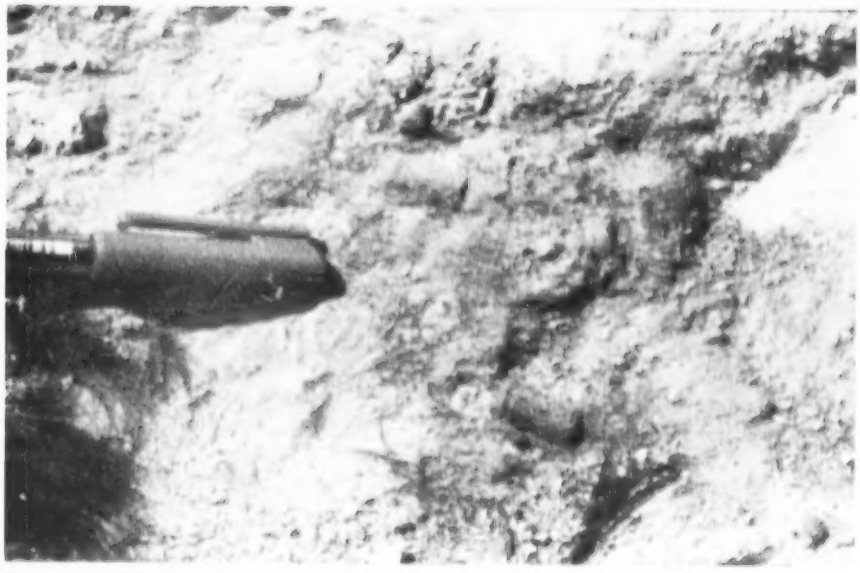
Location Al-Samawa (B)

The remains after clean-up process

Technical process for finding remains

Location (C)

Traces of trucks which were involved in the massacre of Kuwaiti prisoners of war



Empty catridges

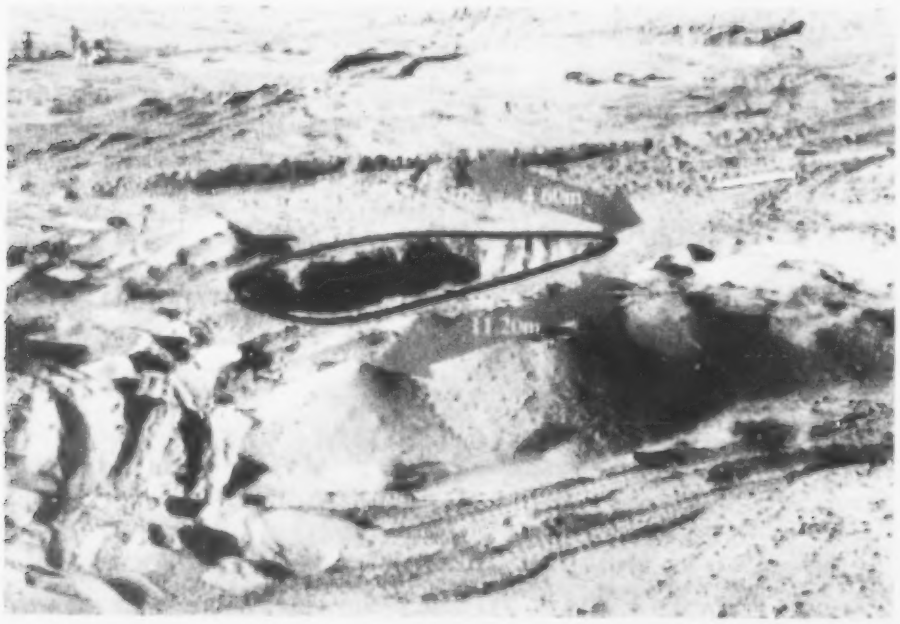
Location (D)

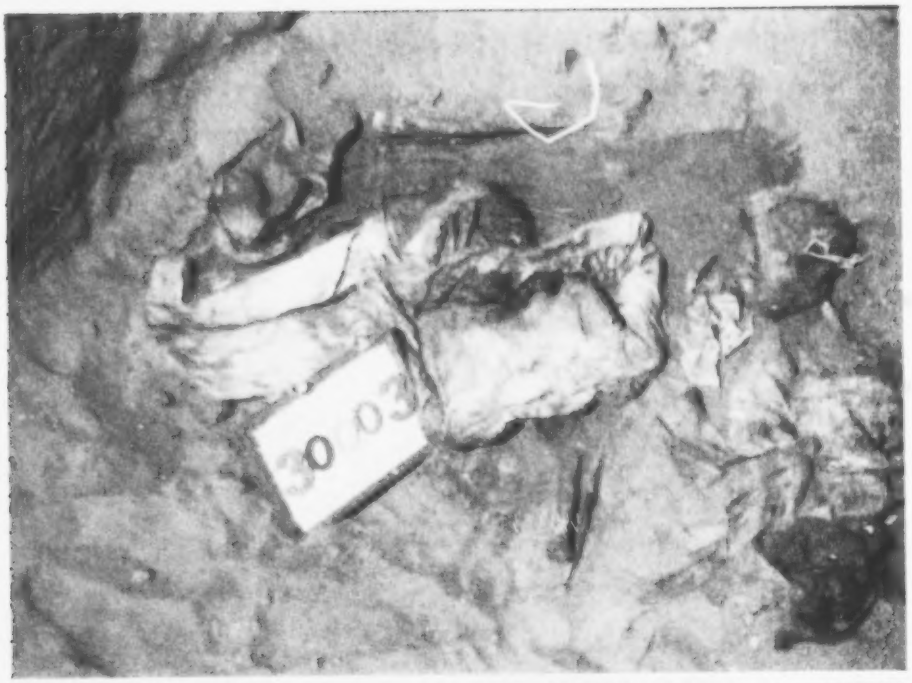
Technical process for finding remains

Mass graves found in Karbala

Location 1 — N 3230745 E 04347926 Location 2 — N 3230742 E 04347912

Location 1





Human remains location 2

30 05

United Nations S/2003/1162

Security Council

Distr.: General
9 December 2003

Original: English

Letter dated 4 December 2003 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on initiatives by the Israeli and Palestinian civil societies issued on 2 December 2003 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Marcello **Spatafora**
Permanent Representative of Italy to the United Nations

03-64795 (E) 101203

Annex to the letter dated 4 December 2003 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement on initiatives by the Israeli and Palestinian civil societies issued on 2 December 2003 by the Presidency on behalf of the European Union

The European Union (EU) welcomes initiatives from the Israeli and Palestinian civil societies aiming at promoting rapprochement, confidence-building and the establishment of a lasting peace.

The Geneva initiative by Yossi Beilin and Yasser Abed Rabbo confirms the willingness which exists within the two civil societies to achieve peaceful coexistence in two independent, viable and prosperous States, living side by side in security, for the benefit of all Israelis and Palestinians as well as of all countries in the region. It is also helpful to increase the awareness of the public opinions of both sides on the need to identify the necessary efforts and reciprocal concessions in order to achieve a negotiated settlement of the conflict.

In this regard, the EU considers the document presented on 1 December 2003 in Geneva as a valuable contribution by civil society in support of the Quartet's road map, which remains the basis for the immediate resumption of the peace process as endorsed by the entire international community through Security Council resolution 1515 (2003).

The EU reiterates its willingness to further assist in all efforts towards a peaceful solution to the conflict, while condemning violence and terrorism in all its forms.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria, Romania and Turkey and the EFTA countries, members of the European Economic Area, align themselves with this statement.